

ORDINANCE NO. 2009-05

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEALY, TEXAS, BY DELETING ALL OF CHAPTER 80 AND SUBSTITUTING THEREFOR A NEW CHAPTER 80; DEFINING CERTAIN TERMS; PROVIDING RULES AND REGULATIONS GOVERNING THE ERECTION, MAINTENANCE, AND USE OF SIGNS WITHIN THE CITY; PROHIBITING OFF-PREMISE SIGNS; PROVIDING EXCEPTIONS; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

WHEREAS, the City Council finds that signs can be a distraction to the attention of and an endangerment to the traveling public; and

WHEREAS, the City Council finds that an overabundance of signs results in clutter and unsightliness and subtly contributes to deterioration of residential and commercial areas within the City;

WHEREAS, the City Council recognized that protection of the City's visual environment and beauty will benefit both residential and commercial property owners and will promote a positive image of the City; and

WHEREAS, the City Council desires to promote the reasonable, orderly, and effective display of signs and to ensure that signs do not create or become hazards; now, therefor

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 Code of Ordinances of the City of Sealy, Texas, is hereby amended by deleting all of Chapter 80 thereof.

Section 3. The Code of Ordinances of the City of Sealy, Texas, is hereby further amended by substituting therefor a new Chapter 80 to provide as follows:

“CHAPTER 80. SIGNS

ARTICLE I. IN GENERAL

Sec. 80-1. In General.

No sign may be erected, reconstructed, repaired, maintained or used after the effective date of this chapter unless such erection, reconstruction, repairs, maintenance or use meets all the provisions of this or any other applicable ordinance adopted by the city council.

Sec. 80-2. Purpose.

The purpose of these rules and regulations is to provide uniform sign standards and regulations in order to improve pedestrian and traffic safety, to minimize the possible adverse effect of visual clutter on nearby public and private property, and to promote a positive city image reflecting order, harmony and pride, thereby strengthening the economic stability of Sealy's commercial, cultural, historical and residential areas.

Sec. 80-3. Jurisdiction.

The provisions of this chapter shall apply within the city limits.

Sec. 80-4. Definitions.

Words and phrases used in this chapter shall have the meanings set forth in this section. For the convenience of the reader, these defined words and phrases are indicated by bold print and underlining , but the absence of such indications does not imply a different meaning. Words and phrases which are not defined in the ordinance but are defined in the Land Use Ordinance of the City of Sealy shall be given the meaning set forth in the Land Use Ordinance. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this chapter.

(A) General definitions.

Area. As applied to any sign, the square foot area enclosed by the perimeter of the sign face with each face contributing to the aggregate area. The area to be measured encompasses the extreme limits of the writing, representation, emblem or other display together with any material or color forming an integral part of the background of the display or used to differentiate the sign material from the backdrop or structure against which the sign is placed, but excludes any sign supports or supporting framework, and any finials, decorations or scrollwork entirely outside the area of substantive sign content. In cases where a sign, or a portion of a sign, is composed only of letters, figures, or other characters standing against no sign face background or secured to a monolith, then the sign face area is the area of the smallest simple imaginary figure (circle, triangle, rectangle, or other) which fully contains the sign content. The area of a sign with more than one face is the sum of the areas of all sign faces visible from any one point. However, a sign structure with two faces back-to-back, oriented in opposite directions and separated by not more than three feet, with the same copy on both sides, shall be counted only as the area of one face.

Building official shall mean the building official shall administer and enforce the terms and conditions of this chapter and all other provisions of law relating to signs. The building official is empowered to delegate the duties and powers granted to and imposed upon him by this chapter to other persons serving under the building official. The building official and such other persons shall constitute the sign administration section of the building department. The building official is directed to enforce and carry out all provisions of this chapter.

Business the physical location, or storefront, of an enterprise engaged in by an entity, partnership, or sole proprietor. In the context of multi-unit complexes, each tenant is a separate business.

City manager shall mean the city manager or his/her duly authorized representative.

Commercial complex shall mean any development such as a shopping center, office park or industrial park, which consists of two or more establishments on a single platted lot, or which is designed, developed and managed as a unit.

Establishment shall mean a use of land for any purpose which requires a building on the land, regardless of the commercial, nonprofit or public nature of the activity, but excluding a residence or active agricultural use in any form.

Height. As applied to any sign, the vertical distance between the highest attached component of the sign or its supporting structure, whichever is higher, and the average established ground level beneath the sign. The established ground level beneath the sign is the lower of (1) the existing grade prior to construction of the sign or (2) the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height shall be measured from curb level.

Occupant Proprietors or tenants using or occupying a building or parcel of land which a sign or proposed sign refers.

Property A tract of land including its building or other appurtenances. With respect to a tenant in a multi-unit complex, the term property refers only to the lease space.

Responsible party or *party responsible* shall mean the person, firm, organization or other entity whose product, service, activity or enterprise of any character is announced or advertised by the sign, or whose message is carried by the sign, and/or the owner of the land upon which the sign is located.

(B) *Types of signs.* For the purposes of this chapter, a sign means any letters, figures, symbols, trademarks, or devices designed either to inform people or to attract the attention of people to an individual, firm, profession, business, organization, institution, commodity, service, activity, cause or purpose, and which is recognizable from any public right-of-way. Particular types of signs are defined both by their purpose or use, by their location, and by the nature of their

construction, and therefore any one actual sign may be encompassed by multiple definitions and subject to the regulations in multiple sections of this chapter. Types of signs which are regulated by this chapter are defined as follows.

Auxiliary sign shall mean a sign of any construction, not exceeding two square feet in area , which is not part of another sign and which is customarily secondary and incidental to the principal use of any nonresidential premises, such as one indicating hours of operation, credit cards accepted, or restrictions to sell to minors, or which is customarily secondary and incidental to a residence, such as "no soliciting" or "beware of the dog."

Awning sign shall mean a sign painted on or attached to the outside of an awning, canopy or any similar structure such as is typically extended in front of a window or door or over a patio, deck or walkway as a protection from the sun or rain, regardless of whether the structure is retractable. A sign which is suspended from or projects into the space beneath an awning, canopy or similar structure, or which is painted on, attached to or suspended from an interior surface, so as to be read from within the area enclosed by the structure, is a canopy sign.

Balloon. Includes balloons, inflatable signs, and inflatable devices of any other kind with or without letters, symbols or numbers.

Banner shall mean a sign intended to be hung either with or without frames, made of paper, plastic, fabric or any other flexible material, and which is used by its colors, characters, lettering, illustration or ornamentation to call attention to an establishment on the site or to a community, civic or other event either on or off the site. **Flags are distinguished from banners for the purposes of this chapter.**

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.

Billboard shall mean any sign which is used or designed to be used to advertise or call attention to any product or service not usually located on the premises where the sign is located, or to advertise or call attention to any establishment which is not located on the same premises as the sign.

Bulletin board shall mean 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.

Canopy sign shall mean a sign which is suspended from the underside of an awning or canopy structure or which projects into the space enclosed within or beneath an awning or canopy structure. A sign which is painted on or attached to the outside of an awning or canopy structure is an awning sign.

Changeable copy sign shall mean a sign or part of a sign on which characters, letters or illustrations can be 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. A sign on which the only copy that changes is a matter of general public information, such as the current time and temperature or an index of stock market averages, and which contains no other commercial message, is a public service sign. Any other sign on which the message changes more than once per day is an electronic message center, or a flashing sign.

Commercial sign shall mean any sign, regardless of its location or construction, whose wording or other contents, directly or indirectly, names, advertises or calls attention to any business, product, service, institution, organization, event, cause, purpose or other activity.

Community service sign shall mean a sign, other than a banner, which solicits support for or participation in a nonprofit, nonpolitical, community, public or social purpose, cause, event or activity, such as one marking a holiday or holiday season, or one supporting school activities, charitable programs, religious activities, or events of community interest.

Construction sign shall mean a sign placed on a construction site identifying or announcing the character of the project and/or the names of the owners, developers, financiers, architects, engineers, contractors, leasing agents and others associated with the project.

Direction sign shall mean a sign which is separate from other signs, incidental and secondary to the principal use of the land on which it is located, and whose primary purpose is to give directions such as to parking lots, exits, entrances, or drive-through windows, or directives such as "no parking" or "loading only." Religious organizations, such as churches, shall be allowed to install a maximum of two off-premise directional signs for facilities located within the city limits.

Drive-through window sign shall mean a sign which is secondary to the principal use on the premises of an establishment having a drive-through window for customer service, devoted to informing customers approaching the drive-through window of information such as the menu, services available or prices at the establishment.

Electronic message center shall mean any sign which contains an array of lights which can be programmed to create an image, either textual or graphic. These lights can be programmed in a "fixed mode" which remains constant in size, location, and brightness, or in a "traveling mode" which remains constant in size, relative location, and brightness, but moves horizontally from right to left at a constant rate across the display area.

Event sign, off-site shall mean a sign giving directions to an occasional event at another location, other than a business event at a commercial 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, home for sale, real estate open house, or private party.

Event sign, on-site shall mean a sign which is placed to advertise or mark the location of an occasional event on the same site, such as the location of a civic or other noncommercial

ceremony, of an event for the members of an organization, or of an event at a residence such as a garage sale, home for sale, real estate open house, or private party.

Flag shall mean the flag of any governmental jurisdiction or a flag adopted by a business, institution or other organization and containing the name, logo or other symbolic emblem of that business, institution or organization.

Flashing sign shall mean a sign with flashing, blinking, moving, rotating or traveling lights, or with lights that change in color or intensity, whether the sign is directly or indirectly illuminated, except for an electronic message center or a **public service sign**.

Hanging sign shall mean a sign that is affixed to the underside of a roof, canopy, awning, porch, or pole.

Integral sign shall mean a sign indicating the name of a building, as distinct and clearly distinguished from the name of a business, institution or other entity occupying the building, or indicating the date or other information of historical interest about the building's construction, when such sign is cut or molded into a masonry surface which forms part of a wall of the building or when it is constructed as a plaque or tablet of bronze or other incombustible material and permanently mounted on the face of the building.

Model home sign shall mean a sign which is located on the same lot as a model home in a residential subdivision and which calls the attention to prospective buyers to the model home.

Monument sign shall mean a sign which is built as a monument on the ground, as distinguished from a self supported sign which is mounted on supports above the ground.

Monument sign, changeable copy shall mean a monument sign which incorporates a changeable copy feature into the sign.

Monument sign, electronic message center shall mean a monument sign which incorporates an electronic message center feature into the sign.

Moving sign shall mean a sign or any part of a sign which rotates, moves, or uses lighting to simulate motion.

Name plate shall mean a sign, mounted flat against the wall of a building and not projecting more than one inch from the face of the wall, indicating the name and/or address of the building, and/or the name of an occupant thereof, and/or the practice of a permitted home occupation therein.

Nonconforming sign shall mean a permanent sign lawfully erected prior to the effective date of this chapter or any amendment hereto that does not conform to all of the regulations of this or other city ordinances.

Political sign shall mean a sign which supports or opposes any candidate for public office or any proposition to be voted upon at an election, or which makes a political statement in the nature of constitutionally protected noncommercial free speech.

Portable sign shall mean any sign which is not permanently attached to the ground or to a permanent structure, or a sign designed to be transported, whether on attached wheels or otherwise, but excluding construction signs, on-site event signs, off-site event signs, realty signs and sidewalk signs.

Projecting sign shall mean any sign, other than an awning sign or canopy sign, whose outside edge extends more than 12 inches from the face of a wall to which it is attached, or which extends at any point above or beyond the end of a wall to which it is attached.

Public service sign shall mean a sign or part of a sign which is devoted to changeable messages of general public information without other commercial content, such as the current time and temperature or an index of stock market averages.

Realty sign shall mean a sign which advertises the property on which it is located for sale, lease, or rent.

Residential development sign shall mean a sign at the entrance to a residential development, such as a series of townhouses, an apartment complex or a residential subdivision, which identifies the name and/or the address of the residential development.

Roof sign shall mean any sign that is mounted on or above the roof of a building, but excluding a projecting sign whose principal support fixtures are attached to a wall and a wall sign which is either painted directly on a sloping roof or mounted directly on a sloping roof in the same plane as the roof.

Self-supported sign shall mean a permanent sign which is erected on supports placed on or anchored in the ground, as distinguished from a monument sign built directly on the ground, and which is independent of any other structure for its support.

Sidewalk sign shall mean a sign, regardless of its construction, which is placed temporarily on the ground or sidewalk adjacent to an establishment in order to advertise or call attention to the goods or services offered at that establishment.

Single-family address sign shall mean a sign, other than a name plate, which identifies the name of the occupants and/or the address of a single-family or duplex residence, but excluding any commercial sign.

Street banner shall mean any temporary sign hung over or across a city street or other public right-of-way.

Vehicular sign shall mean a vehicle, whether motorized or a trailer, which is mounted above the ground as a sign or part of a sign, or any sign attached to or painted on such a vehicle

which is mounted above the ground or which is parked so as to be visible from a street when such vehicle is not actually used for transportation in the day-to-day affairs of its owner, as evidenced by current license plates and a current state inspection sticker. However, this term does not include a customary sign in a vehicle window advertising the vehicle itself for sale or containing an incidental noncommercial statement by the vehicle owner.

Wall sign shall mean a sign, other than a name plate , painted on or mounted parallel to the face of any building, provided that the sign does not project over any public land or street right-of-way, or extend more than 12 inches from the face of the wall to which the sign is mounted, or extend at any point above or beyond the end of such wall. A sign which is painted on a sloping roof or mounted on a sloping roof in the same plane as the roof is also a wall sign.

Wall sign, changeable copy shall mean a wall sign which incorporates a changeable copy feature into the sign.

Wall sign, electronic message center shall mean a wall sign which incorporates an electronic message center feature into the sign.

Window sign shall mean any sign which is painted or placed inside or upon a window, or which is placed inside a building and oriented so as to be read from outside the building.

Secs. 80-5--80-9. Reserved.

ARTICLE II. REGULATIONS AND RESTRICTIONS

Sec. 80-10. Sign districts created.

These are hereby created the following sign districts:

Sign District A. Sign District A shall include all property located within the city, which is: (1) adjacent to and fronting on the right-of-way of Interstate 10 and its frontage roads; (2) adjacent to and fronting on that portion of the right-of-way of US Highway 90 that is located within 300 feet of the Interstate 10 right-of-way; (3) adjacent to and fronting on that portion of the right-of-way of State Highway 36 between its intersection with FM 3013 and a line 300 feet north of the north right-of-way line of Interstate 10; and (4) adjacent to and fronting on that portion of the right-of-way of FM 3538 between its intersection with US Highway 90 and Richardson Road.

Sign District B. Sign District B shall include all property located within the city adjacent to and fronting on the right-of-way of Loop 350, FM 1094, FM 2187, FM 3013, FM 1458, and all property within the city adjacent to and fronting on the right-of-way of FM 3538, State Highway 36, and U.S. Highway 90 that is not included within Sign District A.

Sign District C. Sign District C shall include all property that is not located within Sign District A or Sign District B.

Sec. 80-11. Design guidelines.

It is the policy of the city to encourage 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 sign owners are encouraged to 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 be allowed to visually dominate a site.
- (2) The height, width, and area of a sign should all be in proportion to the dimensions of a building to which the sign is attached and in architectural harmony with surrounding structures. Sign dimensions should respect the size, scale and mass of a building facade, the height of the building, and the rhythms and sizes of window and door openings.
- (3) No sign should be placed upon a building or structure in any manner which would disfigure, damage or conceal any window opening, door, or significant architectural feature or detail of the building.
- (4) Sign materials should be predominantly natural, such as native stone, brick, rough cedar, pine or other types of wood, metal, or materials that stimulate natural materials.

Sec. 80-12. Exemptions for certain types of signs.

The following types of signs are exempt from regulation under this chapter.

- (1) Any sign inside a building, not attached to a window or door and not oriented so as to be read from outside the building.
- (2) Commemorative plaques and historical markers mounted on the face of a building or erected on a site as a free-standing monument, when placed by a governmental entity, historical society or other civic organization to commemorate a person, event or other matter of historical interest.
- (3) Any sign erected or required to be erected by any governmental entity or public utility to give information, directions or warnings to the general public, regardless of the sign's location on public or private property.
- (4) Holiday lights and decorations with no commercial message, but only between November 15 and January 15.
- (5) Decorative landscape lighting provided that lights are not displayed in a flashing mode.
- (6) Legal notices.
- (7) Signs installed either on or off-premises used by the city, the Sealy Economic Development Corporation, or civic organizations such as the local 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.

Sec. 80-13. Restrictions on certain types of signs.

- (a) Awning signs. One third of the area of the awning sign shall be counted toward the limit on the total area of wall signs on the wall to which the awning is attached.
- (b) Banners. Banners must be securely attached to a building or other permanent structure and they must be kept in good repair throughout the time of their display. Banners may not be erected for more than ten days in succession, and they must be removed by the responsible party within not more than three days following the event to which they call attention. Banners may not be placed on any site more than eight times within a 12-month period. This section does not include or apply to street banners as defined within this chapter.
- (c) Bulletin boards. A bulletin board may be located only on the premises of the institution or organization to whose activities it pertains. A bulletin board may not exceed 32 square feet in area.
- (d) Canopy signs.
 - (1) Only one canopy sign may be permitted per entrance to an establishment.
 - (2) No canopy sign may extend beyond an edge of the canopy structure to which it is attached. Except at a street corner, no canopy sign may be closer than five feet from the end of the longer side of the canopy structure.
 - (3) A canopy sign which is perpendicular to a building face may not exceed two-thirds of the width of the canopy structure. A minimum spacing of ten feet must be provided between such canopy signs.
 - (4) A canopy sign which is parallel to a building face may not exceed two-thirds of the length of the canopy structure.
 - (5) No canopy sign may extend more than two feet either above or below the horizontal underside of the canopy structure. No canopy sign shall be less than seven feet from ground clearance.
- (e) Community service signs. A community service sign may be erected only by a unit of government, school, chamber of commerce, religious organization or other nonprofit agency. The area of a community service sign may not exceed 32 square feet in Sign District B and Sign District C or 64 square feet in Sign District A. A community service sign which promotes any particular event may not be erected more than 30 days prior to the event and must be removed by the responsible party not more than three days after the event.
- (f) Construction signs.
 - (1) The area of a construction sign may not exceed 32 square feet in Sign District A and Sign District B or 16 square feet in Sign District C.

- (2) Only one construction sign may be permitted per street fronting a building or other project under construction, reconstruction or repair, except that one additional sign, not exceeding four square feet in area, may be placed on the site by any individual contractor or subcontractor working on the project and not acknowledged on the principal sign.
- (3) No part of a construction sign may exceed a height of six feet.
- (4) Construction signs which are larger than four square feet in area and not securely mounted on a wall shall be set back at least ten feet from the property line.
- (5) A construction sign may not be erected before the city has issued a building permit for the project to which the sign refers, and all such signs must be removed within 30 days after the city issues a certificate of occupancy for the project. Such signs must be removed within 30 days after the completion of the project.
- (g) Direction signs. A direction sign may not contain any commercial message except the name, logo or other symbolic identification of the establishment to which the sign is secondary. The area of a directional sign may not exceed six square feet.
- (h) Hanging signs. The maximum area of a hanging sign shall not exceed eight (8) square feet. The clearance from the ground to the bottom of the hanging sign must be at least seven (7) feet. Only one hanging sign is permitted per property.
- (i) Event signs, off-site. An off-site event sign may not exceed an area of four square feet and may not be lighted. Such signs may be placed only on private property and only with the consent of the owner of the property. No more than ten such signs may be used to give directions to the same event. Such signs may not be placed more than 30 days prior to the event, and all such signs must be removed by the responsible party within three days after the conclusion of the event.
- (j) Event signs, on-site. An on-site event sign may not exceed an area of four square feet in Sign District C or 32 square feet in Sign District A or Sign District B. Such sign may not be placed more than 30 days prior to the event, and it must be removed by the responsible party within three days after the conclusion of the event.
- (k) Flags. Except for flags which are located on public land or on the premises of a nonprofit institution, no flagpole may be higher than 30 feet. At any establishment, the proportion of the area of any flag which is in excess of the maximum area permitted for a self-supported sign in the same location, and the entire area of any flags in addition to the largest three at the establishment (or the first three if the flags are of equal size), shall be counted toward the limit on the area of a self-supported sign on the premises.
- (l) Free standing signs.
 - (1) Only one free standing sign may be permitted per individual free-standing establishment. Only one free standing sign may be permitted for a commercial complex, identifying the

name and/or address of the complex and/or listing the individual tenants in the complex, except that a commercial complex with a land area of two acres or more may have one such free standing sign along each street which borders the complex for a distance of 200 feet or more. A separate free standing sign for an individual establishment located within a commercial duplex may be permitted only if the establishment meets both of the following conditions:

- a. The establishment is located along a street bordering the complex in a separate building from the principal building of the complex; and
- b. The establishment has a separate driveway from the principal driveway entrance of the complex, and a separate parking area from the principal parking area of the complex, which may connect with the principal parking area but is visually set off from that area by fencing or landscaping.

(2) If a landscaped area is installed at the base of a free standing sign, this landscaped area shall be protected from damage by pedestrian and vehicular traffic by a retaining wall or other barrier or method of separation acceptable to the building official. The plants in such landscaped area shall be maintained in a healthy condition, and the area shall be kept free of weeds, trash, and debris by the responsible party.

(m) Integral signs. The area of an integral sign shall not be counted toward the limit on the area of wall signs on the same wall, provided that the integral sign contains no commercial message substantially duplicating another sign.

(n) Model home signs. A model home sign may be erected only on the actual site of a model home, and only one such sign may be erected on the site. The area of a model home sign may not exceed 16 square feet, and the height of a model home sign may not exceed six feet. A model home sign may not be internally illuminated. All model home signs must be removed within 30 days after 90 percent of the homes in the subdivision are sold.

(o) Monument signs.

(1) The area of a monument sign for an individual establishment may not exceed: 32 square feet in Sign District C.; 48 square feet in any other area or 16 square feet in any Sign District if adjacent to a lot that contains a single-family dwelling unit.

(2) The area of a monument sign for a commercial complex may not exceed: 32 square feet in Sign District C, 16 square feet in sign District C if adjacent to a lot that contains a single-family dwelling unit; 64 square feet in Sign District B and Sign District A; or 80 square feet in Sign District A for a property with five (5) or more units.

(3) The height of a monument sign may not exceed eight feet. In Sign District C, the height of a monument sign may not exceed six feet in Sign District C, 4 feet in any Sign District if adjacent to a lot that contains a single-family dwelling unit.

(4) Changeable copy monument sign. A monument sign that contains the primary name of the establishment as well as a changeable copy feature. The changeable copy portion of

the sign shall not exceed 26 square feet. Changeable copy monument signs shall not be permitted in Sign District C.

(5) Electronic message center monument sign. A monument sign that contains the primary name of the establishment as well as an electronic message center feature. The electronic message center portion of the sign shall not exceed 26 square feet. Electronic message center monument signs shall not be permitted in Sign District C.

(6) Location of monument sign. Each commercial complex shall be allowed one monument sign for every 100 feet of street frontage of the property on which the development is located. The monument sign shall have a minimum spacing from other monument signs of 100 feet. The measurement of such spacing shall be from the closest points of the two signs

Each individual establishment shall be allowed one monument sign on which the business development is located.

Monument signs shall be set back from street rights-of-way a distance of ten feet minimum, or more if necessary, to provide a clear line of sight for drivers of cars exiting the property onto abutting streets.

(p) Name plates. The area of a name plate may not exceed one square foot in Sign District C or two square feet in Sign District A and B. Only one name plate may be permitted per residence or establishment.

(q) Political signs.

(1) Political signs within the city may only be placed upon private real property, with the consent of the property owner. No political sign may be placed in, on, or over any street or publicly owned land.

(2) Political signs that have an effective area greater than 36 feet, are more than eight feet high, are illuminated, or have any moving elements are prohibited. Provided, however, such restriction shall not apply to a sign, including a billboard, that contains a primarily political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political. Such signs shall be governed by the applicable provisions of this chapter.

(r) Portable signs. Portable signs may be used only to promote a nonprofit community event. Such signs may not be illuminated, either by internal or external means, and may not exceed an area of 32 square feet. Such signs may be placed on private property only with the permission of the owner of such property, on city property only with the approval of the city manager, or on other public property only with the permission of the agency owning the property. Such signs may not be erected more than 21 days prior to the event, and all such signs must be removed by the responsible party not more than three days after the event.

(s) Projecting signs.

- (1) Only one projecting sign may be permitted per establishment, except that, an establishment which is located on the corner of a street intersection or at the end of a building in a commercial complex may have one projecting sign on the front wall and one projecting sign on the side wall of the building.
- (2) The area of a projecting sign may not exceed 16 square feet in Sign District C, or 24 square feet in any other area.
- (3) No projecting sign may exceed a height of 20 feet.
- (4) No projecting sign may extend, either above the roof of the building or beyond the end of the wall to which it is attached, by more than four feet at the point of attachment, except that a theater marquee may extend completely across the sidewalk below the marquee.
- (5) A projecting sign attached to a building on private property may not extend over any public land except a sidewalk adjacent to a building which is lawfully built up to the public right-of-way.

(t) Public service signs. A public service sign may be placed only on the same lot or tract of land as the establishment sponsoring the sign. The area of a public service sign may not exceed 32 square feet in Sign District A, 24 square feet in Sign District B, or eight square feet in Sign District C, regardless of whether the public service sign is a separate sign or integrated as a component of another sign.

(u) Realty signs. Realty signs may be placed only upon the premises to which they refer, and only one such sign may be permitted per street fronting the lot or tract. The area of a realty sign may not exceed 32 square feet in Sign District A and B, or six square feet in Sign District C.

(v) Residential development signs.

- (1) In addition to the name and/or the address of the residential development, a residential development sign may incorporate incidental leasing information and/or the contents of a directional sign.
- (2) For a residential development with six or fewer residential units, the area of a residential development sign may not exceed 32 square feet. For a residential development with more than six residential units, the area of a residential development sign may not exceed the smaller of either five square feet per residential unit or 50 square feet in total.
- (3) A residential development sign may not be internally illuminated.
- (4) For a residential development sign in a condominium development or in a subdivision in which the sign is common property of the subdivision homeowners, the condominium

regime or restrictive covenants must provide adequate assurance, in the judgment of the building official, that the landscaped area, if present, at the base of the sign will be properly maintained by the condominium owners association or homeowners association.

- (w) Sidewalk signs. Sidewalk signs are permitted for establishments and only two such signs are permitted per business address. A sidewalk sign may be placed or used only during the actual business hours of the establishment to which it refers. Sidewalk signs are limited to eight square feet in area and a maximum width of two feet.
- (x) Single-family address signs. In addition to the name of the occupants and/or the address of the residence, a single-family address sign may contain an incidental personal message from the occupants, but it may not contain any commercial sign. The area of a single-family address sign may not exceed two square feet.
- (y) Street banners. The city manager is authorized to establish procedures for the permitting and installation of temporary banners placed in public right-of-way. Such banners shall be allowed for the following public events upon compliance with the established procedures:
 - (1) Events of a charitable or humanitarian nature;
 - (2) Events of an educational, scholastic or artistic nature;
 - (3) Other events of community or public interest which are non-political in nature and are for the benefit of a non-profit group.
 - (4) Banners must be made of mesh material to insure air flow.
- (z) Wall signs.
 - (1) A wall sign which is not painted directly on the surface of a wall must be securely mounted to and supported by the wall throughout the length and width of the sign.
 - (2) Only one wall sign may be permitted per establishment in Sign District C, excluding the area defined as the "Downtown District."
 - (3) Within the area defined as the "Downtown District." The area of all wall signs, including one-third of the area of any awning signs, which are attached to the wall and are required to be included in this calculation, may not exceed 15 percent of the area of the front wall, exclusive of the area of doors and windows in the front wall, and a maximum of three wall signs are permitted on the front wall. On the side wall, the area of all wall signs may not exceed five percent of the area of the side wall, exclusive of the area of doors and windows in the side wall, and a maximum of three signs are permitted on the side wall; wall signs are prohibited on the rear wall.
 - (4) Except as provided in subsection (3) above, the area of all wall signs on any single wall, including one-third of the area of any awning signs, which are attached to the wall and

are required to be included in this calculation, may not exceed: 16 square feet in Sign District C; or 25 percent of the area of the wall, exclusive of the area of doors and windows in the wall in Sign District A and Sign District B.

(5) Changeable copy wall signs. A wall sign that contains the primary name of the establishment as well as a changeable copy feature. The changeable copy portion of the sign shall not exceed eight square feet.

(6) Electronic message center wall signs. A wall sign that contains the primary name of the establishment as well as an electronic message center. The electronic message center portion of the sign shall not exceed eight square feet.

(aa) Window signs. The collective area of all window signs may not exceed either 30 percent of the total window area of any one floor of a building or 30 percent of the front window area of any individual occupant of a building.

Sec. 80-14. Prohibited sign types.

The construction, placement, existence, or use of signs of the following nature are prohibited by this chapter.

- (1) Balloons.
- (2) Beacons.
- (3) Billboards.
- (4) Changeable copy signs except for gasoline pricing signs, sidewalk signs, changeable copy wall signs, and changeable copy monument signs and theater marquees.
- (5) Flashing signs.
- (6) Moving signs.
- (7) Roof signs.
- (8) Self-supported signs
- (9) Window signs that are not a business name, logo, or address.
- (10) Vehicular signs.
- (11) Posters, pennants, ribbons, streamers, strings of light bulbs, spinners or other similar devices, provided that flags and banners as regulated in section 80-13 are not included in this prohibition.
- (12) Signs which contain statements, words or pictures of an obscene, indecent, or immoral character or which offend public morals or decency.
- (13) Signs which in the judgment of the building official constitute a hazard to vehicular or pedestrian traffic either because their location interferes with or obstructs the view of a traffic sign, signal or device or because their design or content may be confused with or construed as a traffic sign, signal or device.
- (14) Commercial signs of any character, in any form of construction, and at any location except as permitted by this chapter.

Sec. 80-15. Prohibited sign locations.

No sign may be located anywhere in the city except in accordance with the following provisions.

- (1) No sign may be placed on or attached to any tree.
- (2) No sign may be placed on or attached to any utility pole or pedestal, except by a utility company owning the pole or pedestal or operating facilities mounted on the pole or in the pedestal.
- (3) No sign may be placed or kept in use to advertise an activity, business or service no longer conducted on the premises upon which the sign is located.
- (4) No sign or part of a sign, including mounting fixtures and supporting structures, may be located on or above any public land, except as regulated by other provisions of this chapter.
- (5) No sign or part of a sign, including mounting fixtures and supporting structures, which is mounted above or projects over any sidewalk, street, drive or parking area, whether on public or private land, may be hung with less than seven and one-half feet of vertical clearance above the sidewalk or less than 12 feet of vertical clearance above the street, drive or parking area.
- (6) No sign may be located on any sidewalk or in any unpaved walkway intended for public use so as to allow less than three feet in radius of horizontal clearance on at least one side of the sign.
- (7) No sign or part of a sign frame may be located between two feet and ten feet above the established ground level within the area of a clear sight triangle for traffic extending 25 feet in each direction from the point of a street intersection.
- (8) No lighted sign, and no permanent sign except a directional sign, may be mounted or placed on or extend above the side wall or rear wall of any building, or be located in the side yard or rear yard of any lot or tract of land, when such sign faces upon and is visible from a contiguous residential property not separated from the building, lot or tract containing the sign by a public street or alley.

Sec. 80-16. Sign maintenance/hazardous signs.

(a) *Maintenance required.* All signs must be maintained in a structurally safe condition, freshly painted and/or in good repair. The building official shall notify, by certified mail, the responsible party for any sign not so maintained, and the responsible party shall be required to perform the necessary maintenance or repairs within 30 days of the postmark on the notice.

(b) *Removal of hazardous signs.* Any sign which in the judgment of the building official has become an imminent hazard to public safety, either because of an incident of damage or because of neglect of maintenance, shall be repaired or removed by the responsible party without delay. Notice of the existence of the hazard shall specify the maximum time which may be allowed for repairs or removal in order to insure public safety, and the notice may be served upon the responsible party by any means available. A hazardous sign which is not repaired or removed within the time specified in the notice shall be removed by the city and the cost of such removal shall be charged to the responsible party. If a sign has been removed by the city as a hazardous

sign and sign remains unclaimed for a period of more than 30 days, the city may destroy, sell, or otherwise dispose of the sign.

Secs. 80-17--80-29. Reserved.

ARTICLE III. ADMINISTRATION

Sec. 80-30. Sign permits.

(a) *Permit and fee required.* Except as provided in subsection (b) of this section, no person may erect, install, place, alter, repair or relocate any sign without first obtaining a sign permit from the building official. Each application for a sign permit must be accompanied by the appropriate fee established by city council and by such drawings, descriptions and specifications as are reasonably determined by the building official to be necessary for proper review of the application.

(b) *Exemptions from permit requirement.* The following types of signs are exempt from the requirement to obtain a sign permit, provided the signs are not lighted, either internally or externally, and provided the signs comply with all other provisions of this chapter and other applicable codes: auxiliary signs, construction signs with an area of four square feet or less, off-site event signs, on-site event signs with an area of four square feet or less, flags, name plates, political signs, realty signs, and single family address signs. The following actions are also exempt from the requirement of a sign permit: repainting, rearranging or replacing letters or characters on an existing sign, provided that the area of the sign is not enlarged and that the height of the sign is not increased; changing the copy on a bulletin board or changeable copy sign; and replacing the fabric or other material of an awning sign when no other change is made in the sign.

(c) *Expiration of certain permits.* A sign permit for any sign whose use is limited to a time period specified by this chapter, or whose removal is required at a certain time by this chapter, must be for a specified term which may not exceed the time limit established by this chapter.

(d) *Enforcement.* After a sign permit has been issued by the building official, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of the permit without prior approval by the building official. Whenever the building official has evidence of a sign which after the effective date of this chapter was erected, constructed, altered, repaired or relocated in violation hereof, the building official shall require the party responsible for such sign to remove it. If it appears to the building official that the illegal sign placement poses an immediate danger to the public, then such sign may be removed by the city 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 30 days, the city may destroy, sell, or otherwise dispose of the sign. The building official may immediately, and without notice, remove any sign unlawfully placed on public property or public right-of-way.

Sec. 80-31. Nonconforming signs.

(a) *Continuation of use.* The lawful use of signs in existence at the time of passage of this chapter, although such use or sign does not conform to the regulations contained in this chapter, may be continued; but if the use of a nonconforming sign is discontinued for a continuous period of 90 days or more, then the sign must be removed by the responsible party without compensation and any future use of the sign must be in full compliance with this chapter.

(b) *Limitations on modification.* No nonconforming sign may be enlarged in area, increased in height, moved, altered, or remodeled unless and until its construction, area, height, and location are all in conformity with the ordinance. However, a lawfully existing sign may be repainted and the letters or characters on the sign may be rearranged or replaced, provided that no other change is made in the construction of the sign.

(c) *Removal of damaged signs.* A nonconforming sign which is damaged by any cause to the extent that the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location must be removed by the responsible party without compensation and within 30 days of the damage. A nonconforming sign damaged to such extent may not be replaced or rebuilt except by a sign which is constructed and located in full conformity with this chapter.

Sec. 80-32. Variances.

(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 city council for a variance to continue in use, locate, construct or otherwise place such a sign. The application shall be filed with the city secretary, accompanied by the appropriate fee established by city council and by a drawing or sketch in sufficient detail to determine the location and type of construction for the proposed sign.

(b) *Standards for variances.* The city council may approve a variance only if it makes affirmative findings, reflected in the minutes of the city council's proceedings, as to all of the following:

- (1) A literal enforcement of the provisions of this chapter would result in unnecessary hardship.
- (2) The variance will not authorize a type of sign which is specifically prohibited by this chapter.
- (3) The variance will be in harmony with the spirit and purposes of this chapter.

(c) *Conditions of variances.* The city council may impose such conditions or requirements in a variance as are necessary in the city council's judgment 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, if granted, shall be for a specific event, use or other application of business and shall not continue with the

property. If a variance is granted and the sign so authorized is not substantially under construction within six months of the date of approval of the variance, the variance shall lapse and become of no force or effect.

Sec. 80-33. Relation to other ordinances.

This chapter shall not be construed to require or allow any act which is prohibited by any other ordinance. 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.

Sec. 80-34. Violations and penalties.

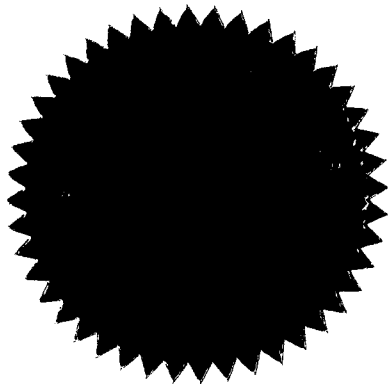
Wherever by the provisions of this chapter the performance of any act is required or the performance of any act is prohibited, or wherever any regulation, dimension or limitation is imposed on the location, design or use of any sign, a failure to comply with the provisions of this chapter shall constitute a violation of this chapter. The building official may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, relocation, alteration, repair or use of any sign, and to restrain, correct or abate such violation. Every day on which a violation exists shall constitute a separate violation and a separate offense. The penalty for each offense shall not exceed \$500.00.”

Section 4. Repealer. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5. Severability. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any 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 of 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 September 2009.

PASSED, APPROVED, AND ADOPTED on second and final reading this 16th day of September 2009.



Nick Tirey

Nick Tirey, Mayor

ATTEST:

Krishna Langton

Krisha Langton, City Secretary