

**ORDINANCE NO. O-19-020**

**AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING CHAPTER 21, SIGNS, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS PROVIDING FOR THE REGULATION OF SIGNS WITHIN THE CITY LIMITS AND THE BRENHAM EXTRA-TERRITORIAL JURISDICTION (ETJ); PROVIDING FOR A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Brenham is authorized to adopt sign standards and regulations pursuant to Chapter 216 of the Texas Local Government Code; and

**WHEREAS**, the City of Brenham has requested that Chapter 21 – “Signs” of the Code of Ordinances be amended; and

**WHEREAS**, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

**WHEREAS**, these amendments were considered by the City of Brenham Main Street Board in its final report during its regular meeting on May 6, 2019; and

**WHEREAS**, these amendments were considered by the City of Brenham Planning & Zoning Commission in its final report during its regular meeting on May 28, 2019; and

**WHEREAS**, these amendments were considered by the City of Brenham Main Street Board and Planning & Zoning Commission in conjunction with the City’s proposed Sidewalk Signage “Pilot Program” which is to be conducted from June 2019 to January 2020 and following completion of the program to be evaluated as a continuous program offered by the City of Brenham; and

**WHEREAS**, in order to enhance, promote and protect the health, safety and general welfare of the citizens of Brenham, Texas the City Council must from time to time amend and/or adopt new regulations; and

**WHEREAS**, the City Council finds the following regulations to be reasonable and beneficial to the general health, safety and welfare of the citizens of Brenham; and

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

## **SECTION 1.**

Existing Chapter 21 – Signs, of the Code of Ordinances of the City of Brenham, Texas, is hereby repealed and rescinded in its entirety.

## **SECTION 2.**

Chapter 21 – Signs, of the Code of Ordinances of the City of Brenham, Texas, is hereby adopted to read as follows:

### **Sec. 21-1. - Short title.**

This Chapter shall be known as the "City of Brenham Sign Ordinance."

### **Sec. 21-2. - Purpose and Scope.**

The purpose of this Chapter is to provide minimum standards to safeguard and promote life, health, property, safety and public welfare by regulating the size, construction, illumination, movement, materials, location, height, condition, installation, and maintenance of all signs placed on public or private property for exterior observation, thus promoting the protection of property values, the preservation of the character of the various neighborhoods of the City of Brenham ("City"), the creation of an attractive and harmonious community, and protection against interference with the historic character of designated areas. This Chapter shall not be interpreted in a manner inconsistent with the United States Constitution First Amendment guarantee of free speech. If any provision of this Chapter is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this Chapter that can be given effect without the invalid provision. Unless exempted in this Chapter, all signs in the corporate limits of the City of Brenham and its extraterritorial jurisdiction ("ETJ") shall be erected, constructed, installed and maintained in accordance with the standards and requirements of this Chapter. These sign regulations are intended to:

1. Promote the safety of persons and property;
2. Protect the public welfare and to enhance the appearance and economic value of the community;
3. Promote compatibility of signs with the use of the property to which the signs are appurtenant;
4. Promote compatibility of signs with the landscape and architecture of surrounding buildings;
5. Promote signs that are appropriate to the activity to which the signs pertain;
6. Avoid and minimize traffic accidents and problems caused by distracting signs;
7. Ensure that all signs are constructed and maintained in a structurally sound, safe and attractive condition.

### **Sec. 21-3. – Non-Commercial Signs**

Any sign authorized to be displayed by this Chapter may contain a non-commercial message.

### **Sec. 21-4. - Definitions.**

As used in this Chapter, unless the context otherwise indicates, the following words are defined as follows. Words and terms not expressly defined in this section have their ordinary meanings based on the latest edition of Merriam-Webster's unabridged dictionary.

*Attention-Getting Devices.* Devices erected, placed or maintained outdoors so as to attract attention, including but not limited to the following devices: cut out figures, discs, festoons, tinsel, ribbons, pinwheels, inflatable objects such as balloons, pennants, propellers, steam or smoke producing devices, streamers, whirligigs, wind devices, blinking, rotating, moving, chasing, flashing, glaring, strobe, scintillating, search, flood or spot lights, or similar devices. Attention-getting devices shall not include any structure or device that is permitted under the City's applicable building code or other code(s).

*Awning or Canopy Sign.* A sign painted on, printed on, or attached flat against the surface of an awning or canopy. An "awning or canopy sign" shall be considered an attached wall sign.

*Banner Sign.* A flexible roll-up sign made of vinyl, cloth or any other lightweight non-rigid material, containing text, images, words, symbols or logos attracting attention to a business, facility, organization or event. A banner enclosed with a rigid frame shall be considered a wall sign.

*Billboard.* A sign that is freestanding and is an off-premises sign that is designed to allow for a change in copy, so that the characters, letters, display, or illustrations can be changed or rearranged within a fixed sign face. Billboards are not permitted anywhere in the City and its ETJ.

*Building (or Occupancy) Frontage.* The distance or length of the primary building on the property adjacent and generally parallel to the business frontage or lot frontage.

*Changeable Electronic Variable Messaging Signs ("CEVMS").* A sign which permits lights to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including but not limited to a light emitting diode ("LED"), liquid crystal display ("LCD"), or digital sign, and which varies in color or intensity. The term "CEVMS signs" does not include a sign located within the public right-of-way which functions as a traffic control device and which is described and identified in the Manual on Uniform Traffic Control Devices ("MUTCD") approved by the federal highway administrator as the national standard.

*Dilapidation.* The condition of any sign such that elements of the sign area or background have portions of the finished material missing, broken, or illegible; where the structural support is visibly bent, broken, dented, rusted, corroded, or loose; or where the sign or its elements are not in compliance with the applicable electrical code, building code or other code(s).

*Directional (Wayfinding) Sign.* A systematic network of directional on-premises and off-premises signage installed and maintained by a public or private entity to guide vehicular or pedestrian movement to/through a residential subdivision, nonresidential development or other areas of the City.

*Ground Sign.* A sign which is supported by structures or supports in or upon the ground and independent of support from any building. The term “ground sign” includes pole and monument signs unless otherwise specified in this Chapter.

*Inflatable Sign.* An inflatable device, with or without a message, text, images, figure, or design attached to its surface, which is designed to attract attention.

*Marquee Sign.* A canopy or covering structure bearing a signboard or copy projecting from and attached to a building. A “marquee sign” shall be considered an attached wall sign.

*Message Board.* A sign or portion of a sign attached to a sign structure or wall which contains a sign face designed to be frequently changed, or to allow the removal or replacement of individual letters, words, or symbols on the sign face for the purpose of changing an advertising message or other communication. See also sidewalk signs.

*Monument Sign.* Any freestanding sign, the entire base of which is affixed directly to the ground or is supported by a sign structure that has a base whose width measures at least seventy-five percent (75%) of the width of the sign that is placed or anchored in the ground.

*Off-Premises Sign.* Any sign identifying or advertising a business, person, activity, goods, products, or services not located on the property where the sign is installed and maintained, or that directs persons to a location other than the property where the sign is located.

*On-Premises Sign.* Any sign identifying or advertising a business, person, activity, goods, products, or services primarily sold, offered for sale, or located on the property where the sign is installed and maintained.

*Pole Sign.* Any freestanding sign, that is permanently supported in a fixed location by a structure of poles, uprights, or braces from the ground and not supported by a building or base structure.

*Portable Sign.* A sign designed or constructed to be readily moved from one location to another, including but not limited to a sign mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier or other non-motorized mobile structure. A portable sign that has wheels removed shall be considered a portable sign hereunder. For the purposes of this Chapter, trailer signs and signs on benches are portable signs.

*Projecting Sign.* A sign, other than a wall sign, which is affixed to any building wall or structure and extends beyond the building wall or structure. A projecting sign shall extend no more than four (4) feet perpendicular from the wall and no more than three (3) feet vertically above the wall of the building or structure.

*Responsible Party.* The owner/operator of the business, facility or other entity identified on a sign; the owner of the property upon which a sign or sign structure is located; the owner of a sign or sign structure; the person or entity who installs a sign or sign structure, or contracts with a third party to accomplish the installation; and/or the person who retrieves or claims a sign that has been impounded by the City.

*Roof Sign.* A sign erected, constructed and maintained wholly upon or above the roof of a building with the principal support attached to the roof structure. A roof sign shall not at any point exceed eight (8) feet above the roof level. A "roof sign" shall be considered an attached wall sign.

*Sidewalk Sign.* A moveable, portable, pedestrian-oriented, temporary sign that is supported by its own frame, and that is not secured or attached to the ground or surface upon which it is located. A-frame signs and sandwich board signs shall be considered sidewalk signs.

*Sign.* A structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other object that includes text and/or images which is designed, intended, or used to communicate. Each display surface of a sign or sign face shall be considered to be a separate sign.

*Sign Area.* The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure or where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers, text, images or design. See Section 21-17. – Exhibits.

*Sign Copy:* The visually communicative elements, including but not limited to words, letters, numbers, designs, figures, text, images or other symbolic presentation incorporated into a sign with the purpose of attracting attention to the subject matter or message.

*Sign Face.* The entire display surface area of a sign upon, against, or through which sign copy is placed. See Section 21-17. – Exhibits.

*Sign Setback.* The shortest distance between the edge of pavement and the outer (leading) edge of any portion of a sign.

*Snipe Sign.* A sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, utility poles, fences, public structures or other objects which are not erected, owned or maintained by the owner of the sign, and the advertising or other communication matter appearing thereon is not applicable to the use of the premises upon which such sign is located.

*Temporary sign.* A banner, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and that is intended to be displayed for a limited period of time. Signs encased in a rigid frame affixed to a building shall be considered a wall sign.

*Under Canopy Sign.* A sign suspended beneath a canopy, ceiling, roof, or marquee. Shall be considered an attached wall sign.

*Wall Sign.* Any sign, installed on or affixed to the exterior wall of a building, supported by the wall, and having the sign face generally parallel to the wall or painted directly onto the wall.

*Window Sign.* Any sign affixed to a window or exterior glass door or installed in any manner such that is intended to be viewable from the exterior of a building or structure.

#### **Sec. 21-5. - Prohibited Signs.**

All signage listed in this section shall be prohibited within the corporate limits of the City of Brenham and its ETJ. Additionally, any sign not specifically authorized in this Chapter is prohibited within the corporate limits of the City of Brenham and its ETJ unless granted prior approval by City Council. With the exception of Billboards (refer to Section 21-16), all existing prohibited signage shall be removed within 120 calendar days from June 20, 2019, the effective date of the ordinance from which this Chapter is derived.

1. Attention-getting devices;
2. Billboards;
3. Portable signs with the exception of sidewalk signs;
4. Signs attached to or being held by a human or living creature for the purpose of advertising a commercial message for a business use;
5. Signs attached to any trees, utility pole or wire, traffic sign or signal;
6. Signs located in any public right-of-way;
7. Signs placed on parked vehicles or trailers for the primary purpose of displaying said sign; and
8. Snipe signs.

#### **Sec. 21-6. - Sign Administrator and Enforcement.**

1. Sign Administrator. The City Manager or his/her designee shall appoint a Sign Administrator. The Sign Administrator is empowered to delegate the duties and powers granted to and imposed upon him/her by this Chapter to other persons subject to the supervision and direction of the Sign Administrator. The Sign Administrator is directed to enforce and carry out all provisions of this Chapter.

2. **Enforcement Responsibility.** The duties of the Sign Administrator shall include not only the review and approval of permit applications as required by this Chapter, but also the responsibility of ensuring that all signs comply with this Chapter and any other applicable law, and that all signs for which a permit is required by this Chapter have been erected, constructed, installed and maintained pursuant to a valid permit. The Sign Administrator shall make such inspections, in accordance with applicable law, as may be necessary and shall initiate appropriate action to bring about compliance with this Chapter and other applicable law. The Sign Administrator shall investigate any complaints of alleged violations of this Chapter.
3. **Powers of the Sign Administrator.** The Sign Administrator shall have the power and authority to administer and enforce the provisions, standards and requirements of this Chapter and all other applicable laws and ordinances relating to signs. Such powers include, but are not limited to the following specific powers:
  - a. Every sign for which a permit is required shall be subject to the inspection and approval of the Sign Administrator.
  - b. Upon presentation of proper identification to the Responsible Party in control of such property, as authorized by and in accordance with applicable law, the Sign Administrator may enter, for the purposes of inspecting and investigating signs or sign structures, any building, structure, or other premises or property between the hours of 8:00 a.m. and 5:00 p.m., Monday through Saturday; provided, however, that in cases of emergency where dangerous hazards are known or reasonably suspected to exist which may involve imminent injury to persons, loss of life, or significant property damage, and where the Responsible Party in control of the property is not available after the Sign Administrator has made a good faith effort to locate same, the Sign Administrator may enter the aforementioned structures and premises at any time upon presentation of proper identification to any other person upon the premises. If the Sign Administrator is denied admission to inspect any premises, inspection shall be made only under authority of an administrative search warrant or other appropriate warrant issued by a magistrate authorizing the inspection of the property for violations of this Chapter or other applicable laws and ordinances.
  - c. The Sign Administrator is hereby granted the power and authority to revoke any and all permits authorized by this Chapter for violation of the provisions, standards or requirements of this Chapter.
  - d. Upon issuance of a stop work order from the Sign Administrator, work on any sign that is being conducted in a manner contrary to the provisions of this Chapter or is being conducted in a dangerous or unsafe manner shall be immediately stopped. Such stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work, and shall state the conditions under which work may be resumed. In the event of an emergency, the Sign Administrator may verbally order that work be stopped without prior written notice, and a written stop work order shall be issued by the Sign Administrator no later than 5:00 p.m. of the next business day. Following the issuance of a stop work order, the Sign Administrator shall initiate proceedings to revoke any permit issued for the work covered by such stop work order,

consistent with this section, unless the cause of the stop work order is corrected and resolved as determined by the Sign Administrator.

4. Appeals. Any affected person wishing to appeal a decision or interpretation of the Sign Administrator may file a written appeal with the City Manager's Office. The appeal shall be filed with the City Manager's Office no less than ten (10) calendar days following the decision or interpretation of the Sign Administrator, and the appellant must provide a copy of the appeal to the Sign Administrator when the appellant files the appeal with the City Manager's Office. Upon considering such appeal, the City Manager may reverse, affirm or modify in any regard the determination of the Sign Administrator. The City Manager shall render a decision within twenty (20) calendar days after the date the appeal was timely filed, or as soon as practical thereafter.

#### **Sec. 21-7. - Permits Not Required.**

The following signs are authorized in all Zoning Districts and within the ETJ and do not require a sign permit. Any sign listed below shall be erected, constructed, installed and maintained in a safe and structurally sound condition in conformance with all applicable codes:

1. Garage, estate, or yard sale sign. Such signs shall not be displayed for more than three (3) consecutive days for each sale and shall not be placed in public rights-of-way or on telephone/power/light poles. The date of the initial posting shall be displayed on all garage, estate and yard sale signs.
2. The modification of a sign face, including changing a commercial message to a non-commercial message, does not require a sign permit in accordance with this Chapter, provided that such modification does not increase the sign area or height or change the sign type;
3. Governmental signs or public notices authorized or required by law, including federal, state, or local law and regulations;
4. Signs located on or near the premises of public facilities such as baseball fields, stadiums, community centers, and other public facilities which are placed by a governmental entity or public institution of higher education for directional purposes;
5. Vehicular signs provided that the primary purpose of the vehicles is not for display of signs, and further provided that the vehicles are parked in areas appropriate to their use as vehicles, are in operable condition, and display a current and valid license plate/registration insignia;
6. Construction or real estate signs, provided that such signs are not illuminated and pertain to the premises upon which they are erected and maintained during construction or while the property is being actively marketed for sale or lease. One (1) sign structure with two (2) sign faces is permitted per property frontage and shall not exceed sixteen (16) square feet per sign face in residential districts or thirty-two (32) square feet per sign face in non-residential districts, and shall not exceed five (5) feet in height;
7. Sidewalk signs located on-premises of the business operations, shall not encroach within handicapped accessible access ways and routes, or public rights-of-way. Sidewalk signs shall only be displayed or erected during the actual hours of operation only, are limited to



one (1) sign structure with two (2) sign faces per business/entity or tenant, and shall not exceed six (6) square feet in size per sign face;

8. Window signs. Restaurant menus, displayed hours of operation, and “open” signs affixed to a window or exterior glass door or installed in any manner which do not attract the attention of persons not on the premises shall be counted towards the window sign allotment established in this Chapter; and
9. Seasonal decorations for local, state and federally recognized holidays that contain holiday ornaments, lights, characters and messages and which are intended to create or enhance holiday character for an area. The displays shall not reference or display services available or rendered, or goods produced, sold or available for sale.

### **Sec. 21-8. – Permits Required.**

Except as otherwise provided herein, no sign shall be erected, installed, maintained, relocated, constructed, altered, within the corporate limits and ETJ of the City of Brenham without first obtaining a permit.

1. Application for permit. An application for a sign permit and illustration/plans including the location, appearance, and dimensions of the sign shall be filed with the Sign Administrator.
2. The Sign Administrator shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within ten (10) calendar days after receipt. Any application that complies with all provisions of this Chapter, the zoning ordinance, the applicable building code and/or other code(s), and other applicable laws, regulations, and ordinances shall be approved after inspection and approval of the plans and the site.
3. If the application is rejected, the Sign Administrator shall provide to the applicant in writing the reasons for the rejection. An application shall be rejected for non-compliance with the terms of this Chapter, the zoning ordinance, applicable building code and/or other code(s), or other applicable law, regulation, or ordinance.
4. Permit fee. A nonrefundable fee as set forth in the fee schedule adopted by resolution of the City Council shall accompany all sign permit applications.
5. Duration and revocation of permit. If a sign is not completely constructed and installed within 180 days following the issuance of a sign permit, the permit shall automatically expire and is void. The Sign Administrator may revoke a sign permit under any of the following circumstances:
  - a. The Sign Administrator determines that any information in the application was materially false or misleading at the time the sign permit application was filed with the City;
  - b. The sign as installed does not conform to the sign permit application;
  - c. The sign violates this Chapter, the zoning ordinance, applicable building code and/or other code(s), or other applicable law, regulation, or ordinance; or
  - d. The Sign Administrator determines that the sign is not being properly maintained or has been abandoned in accordance with Section 21-13 of this Chapter.

6. Issuance. A sign permit shall not be issued when:
  - a. An existing sign on the premises or a sign proposed for installation is not in compliance with this Chapter;
  - b. A sign is proposed for installation on the premises in an area not zoned for such a sign; or
  - c. Authorization of the owner of the property on which the sign is to be installed has not been obtained.
7. Design and Structural Requirements
  - a. Design. Any sign that requires a permit shall be designed and constructed to withstand wind pressures and receive dead loads as required by the applicable building code and other code(s).
  - b. Construction. The supports for all signs and sign structures shall be placed in or upon private property and shall be securely built, constructed, and erected in conformance with the requirements of the applicable building code and other code(s).
  - c. Electrical requirements. All electrical fixtures, equipment, and appurtenances installed in conjunction with a sign shall be designed and installed in accordance with the applicable building code and other code(s).
  - d. Clearances. Signs shall be located at a minimum distance of six (6) feet (measured horizontally) and twelve (12) feet (measured vertically) from overhead electric conductors.
8. Method of determining area of sign. In determining the area of any sign, the dimensions of the rectangle, square or other shape enclosing the signboard, excluding the supporting structure, shall be used. If the sign includes cutouts or facings extending beyond the dimensions of the rectangular signboard, the measurement of the sign area shall include the actual area of the cutout or extended facings. For signs of a double-faced, back-to-back, or V-type nature, each face shall be considered a separate sign in computing the face area.

#### **Sec. 21-9. - Changeable Electronic Variable Message Signs (CEVMS).**

No new permit shall be issued for the installation, erection or replacement of a CEVMS, including any conversion or modification of an existing sign to a CEVMS, within the corporate limits or the ETJ of the City of Brenham, except as provided herein. Existing CEVMS shall be brought into compliance with Section 21-9(2) within 120 calendar days from June 20, 2019, the effective date of the ordinance from which this Chapter is derived.

1. CEVMS locations. CEVMS are only permitted on property adjacent to the following thoroughfares:
  - a. US Highway 290 East and West (shall not mean Business US 290).
  - b. US State Highway 36 North and South (shall not mean Business SH 36).
  - c. Changeable electronic variable message signs may be permitted on properties not adjacent to the aforementioned thoroughfares upon application to and approval by the City Council. Approval by the City Council may be granted where the following criteria are met:

- i. Granting the request would not be materially detrimental to property in the general vicinity;
  - ii. Granting the request would not be contrary to the general objectives of this Chapter;
  - iii. Granting the request would not increase the total signage allotment allowed by this Chapter on the subject property.
2. CEVMS regulations.
  - a. Images or messages shall be static in nature and shall not blink, flash, scroll or be animated;
  - b. No image or message may be displayed for less than eight (8) seconds;
  - c. Message transitions shall be limited to one (1) second;
  - d. The brightness of any CEVMS shall not exceed 0.3 foot-candle illumination from a distance of 250 feet between sunset and sunrise, and each sign shall be fitted with a qualified light-sensing device to automatically adjust the brightness in accordance with these standards;
  - e. All CEVMSs shall require an approved usage permit and payment of an annual fee. The annual fee shall be established by resolution of the City Council;
  - f. If a CEVMS is found to be operating incorrectly, it must not be operated until it is repaired, inspected by the City, and approved for operation by the Sign Administrator; and
  - g. The images displayed on the CEVMS must be directly related to the on-premises business, with the exception of messages relating to time, temperature, national news, local news, sporting events, or upcoming community events.
3. CEVMS size. Property in accordance with Section 21-9(1) are permitted one (1) sign structure with two (2) sign faces not to exceed sixty-four (64) square feet per sign face. CEVMS sign area shall count toward cumulative sign area allotment as established in Section 21-12(2)(a).
4. Fuel/Gas price electronic signs.
  - a. Fuel/gas price signs shall not exceed an area of thirty-six (36) total square feet per electronic sign face and shall not exceed six (6) square feet in size per individual price panels; and
  - b. Fuel/gas prices shall be displayed as a static message and subject to all CEVMS regulation established in this Section, excluding Section 21-9 (1) – CEVMS locations.
5. CEVMS shall only be permitted as on-premises signs.
6. Temporary signage shall not be installed and/or maintained on any property or development on which a CEVMS is installed and/or maintained. Temporary signage is meant only to provide an additional sign form to businesses for advertising or communicating information to the public. With the use of a CEVMS the property or development has the diverse messaging capability to change messages to the public, and therefore negates the necessity of temporary signs. The exception shall be for the erection of construction or real estate signs.

## **Sec. 21-10. – Directional Signs.**

1. On-Premises.
  - a. Shall have a maximum sign face area of twelve (12) square feet;
  - b. Shall not exceed a height of eight (8) feet; and
  - c. Shall include only arrows, directions, and references to specific destinations or geographical areas.
2. Off-Premises.
  - a. Limited Use Standards.
    - i. Shall not exceed two (2) sign faces with an area of eight (8) square feet cumulatively for each business;
    - ii. Shall not exceed a height of eight (8) feet;
    - iii. Shall include only the name, symbol, or logo of a business or facility and an arrow indicating the direction;
    - iv. Each business or entity is permitted two (2) signs each to be located on different sites (anchor sites);
    - v. The anchor site shall be the property hosting the off-premise sign and is permitted a maximum of four (4) directional signs not to exceed a total of sixteen (16) square feet of area.
    - vi. The owner of the property on which a sign is to be located must give written permission in the application for the usage of the property. The applicant must present the written permission of the property owner with the application for the sign permit; and
    - vii. The light from any illuminated sign shall be so shielded, shaded, or directed so that the light intensity shall not adversely affect surrounding or facing premises or the safe vision of operators of vehicles on public streets and highways.
  - b. Placement.
    - i. The sign face shall be located within 1,000 feet of the applicant's business or facility;
    - ii. The sign face shall not be the principal or sole use of land on the parcel where the directional off-premises sign is proposed to be displayed;
    - iii. When detached, the off-premises directional sign shall be placed as a tenant sign and shall not be a single freestanding sign;
    - iv. When attached, the sign face shall be installed on a building as a wall sign; and
    - v. There shall be no more than one (1) off-premises directional sign, attached or detached, per anchor site, per business or entity.

## **Sec.21-11. – Flags and Flag Signs.**

Federal, state, or local government flags, emblems and/or historical markers and any flags or insignia of a religious, charitable, fraternal, academic, or civic organization shall be allowed. A maximum of one (1) corporate flag and flagpole shall be permitted if erected in conjunction with at least one (1) of the aforementioned flags and flagpoles. No permit is required for property containing three (3) or fewer freestanding flagpoles in accordance with this Section.

More than three (3) freestanding flagpoles may be permitted on property upon application to and approval by the Sign Administrator.

1. Official flags shall be flown in a manner that meets U.S. Congressional protocol and rules. Failure to display flags in proper manner shall be a violation of this section. All flags shall be kept in good repair.
2. Flags shall be permitted in all zoning districts.
3. Design and lighting of the U.S. flag shall be consistent with the Federal Flag Code, 36 USC 173-178, as amended, and any successor law or code.
4. Flagpoles shall be black, brown, dark green, white, silver, or bronze in color.
5. The lighting of flags shall not direct glare onto any other property or right-of-way.
6. Pole heights, flag sizes, minimum distances, and setbacks.
  - a. No side of any flag displayed on a pole that is thirty-five (35) feet or less in height shall be greater than six (6) feet in length.
  - b. Flags displayed on poles over thirty-five (35) feet in height may have a flag with a side length of not more than twenty-five percent (25%) of the height of the pole.
  - c. No flagpole shall exceed fifty (50) feet in height.
  - d. A minimum distance of (6) six feet shall be maintained between flagpoles. All flags shall maintain a minimum setback of eight (8) feet from all overhead power lines or easements, and six (6) feet from a property line.
7. Encroachments.
  - a. No flagpole may be erected within a public utility easement.
  - b. Neither the flag, flagpole, nor any other support structure may extend into, on, across, above or over a public right-of-way or easement.
  - c. Neither the flag, flagpole, nor any other support structure may extend over an adjoining property line.

#### **Sec. 21-12. - Regulations By Use.**

1. Residential Use Sign Regulations. For the purpose of this Chapter, Residential Use shall mean residential and multiple-family uses as defined in Appendix A – Zoning, of the Brenham Code of Ordinances. Unless stated otherwise in Section 21-7 of this Chapter, no sign shall be permitted or allowed for a residential use unless it meets the following standards:
  - a. Types of Signs Allowed with a Permit.
    - i. Entry Monument Sign. Residential subdivisions, multiple-family complexes (5-units or greater), and manufactured home parks shall be permitted two (2) sign faces at each major entrance not to exceed one-hundred and twenty (120) square feet in sign area cumulatively. The sign face(s) shall not exceed eight (8) feet in height. The sign setback shall be a minimum of eight (8) feet from the edge of pavement and may be indirectly lighted. Entry sign face(s) affixed to a brick fence may be permitted in lieu of a monument sign.
      1. Subdivision entry signs must provide a landscaped area equal to at least twice the area of the sign face. Required landscaping shall be

submitted as part of the sign permit application and irrigation must be provided. The owners and subsequent owners of the landscaped property shall be responsible for the maintenance of the landscaped area. All landscape materials shall be maintained so to ensure an attractive appearance and a healthy, vigorous, growth environment.

- ii. Wall and Projecting Signs. Multiple-family complexes (5-units or greater) shall be permitted one (1) attached sign identifying the complex and placed near the office entrance. The total sign area shall be no larger than one (1) square foot in sign area for each linear foot of the complex's building frontage and in no case shall exceed sixty-four (64) square feet. Signs may be indirectly or directly lighted.

b. Types of Signs Allowed without a Permit.

- i. A property owner may place no more than four (4) non-commercial signs or flag signs on the property at any time. Non-commercial signs shall not exceed two (2) sign faces and shall not exceed twenty-four (24) square feet cumulatively. Non-commercial signs under this section shall not advertise the sale of goods or services.
- ii. Flags. Flags are authorized to be placed on residential property, including two (2) flags with non-commercial messages and one flag pole per premises shall be allowed on each lot. Each flag shall be a maximum of fifteen (15) square feet in area. The flag pole shall be a maximum of twenty-five (25) feet in height or no higher than the highest point of the principal building's roof, whichever is lower. Flag poles must meet the minimum rear yard setback requirements for a principal building.
- iii. Individual lessees or owners of units within multiple-family housing or manufactured home parks may also display any sign allowed on individual residential lots, so long as:
  1. Sign is allowed by owner if property is owned separately from person displaying sign; and
  2. Sign is displayed within the area owned or leased by the individual.

c. General Sign Regulations on Individual Lots:

- i. No sign may be placed on a residential lot without the consent of the property owner or a lessee who has been given authority to place a sign on the property by written agreement of the property owner.
- ii. Other than those signs specifically authorized by this Section, a sign subject to this Section shall not be illuminated, electronic, digital, or contain moving elements.
- iii. The following maximum heights shall apply to signs on individual lots in a residential district:
  1. Unless otherwise specified in this Section, if ground-mounted, the top must not exceed a height of four (4) feet above the ground; and
  2. If building mounted, the sign must be flush mounted and must not project above the roof line.

- d. Properties in the ETJ that are appraised by the Washington Central Appraisal District as residential and that contain single-family units, multiple-family complexes, or manufactured home parks shall comply with this Section.
2. Non-Residential Sign Regulations. Unless stated otherwise in Section 21-7 of this Chapter, no sign shall be permitted or allowed on non-residential use property unless it meets the following standards:
- a. Types of Signs Allowed with a Permit.
    - i. Wall and Projecting Signs. The total sign area for all attached signs for each lot shall not exceed one (1) square foot in sign area for each linear foot of the occupancy's building frontage and in no case shall exceed three hundred (300) square feet. Sign area allotment is computed by adding the sign area of all sign faces allowed by this subsection. Wall signs on building elevations that face properties zoned for and/or developed with a residential use shall be prohibited.
    - ii. Single-Business Ground Signs.
      1. Number of Signs. One (1) non-attached sign with two (2) sign faces provided in Section 21-12(2)(a)(ii)(2) per lot may be erected. Where an occupancy has more than one (1) street frontage, one (1) additional ground sign is allowed on the additional frontage. Where an occupancy has more than three hundred (300) feet of street frontage an additional ground sign shall be permitted for each additional increment of three hundred (300) feet of street frontage. Provided, further, if more than one (1) on-premises ground sign is permitted hereby, there shall be separation between ground signs of a minimum distance of one hundred (100) feet, measured in a straight line from the point on the base of each sign structure that is nearest to the other sign base.
      2. Design Specifications. Each ground sign shall be a minimum of eight (8) feet from the edge of pavement and are subject to the requirements prescribed in the table below. "Posted speed limit" shall mean the speed limit applicable to the public right-of-way adjacent to the primary occupancy frontage, whether or not speed limit signage is present.

<b>Posted Speed Limit (mph)</b>	<b>Maximum Sign Face (Sq ft)</b>	<b>Sign Height (ft)</b>
25 - 35	50	8
40 - 50	128	15
55 - 65	242	25
Property adjacent to the US 290 East and West and the feeder road for State Highway 36 3. A North and South	300	35

3. A business that displays a monument sign as its only ground sign may increase its sign area size by up to twenty percent (20%).
  4. Public Facility Entry Monument Signs. Signs located on property near or adjacent to public facilities such as educational and administration buildings, athletic and sports fields, stadiums, and community centers, which are placed by a governmental entity or public institution of higher education for identification purposes shall be permitted in accordance with Section 21-12(2)(a)(ii).
- iii. Multiple-Business Ground Sign. An integrated business development shall be permitted one (1) on-premises ground sign structure with two (2) sign faces for each increment of five (5) separate entities operating in the development, with a maximum sign face of three hundred (300) square feet plus fifty (50) square feet for each entity in the development identified on such sign in excess of five (5). Provided, further, if more than one (1) on-premises ground sign is permitted hereby, there shall be separation between ground signs (on-premises and off-premises) of a minimum distance of one hundred (100) feet, measured in a straight line from the point on the base of each sign structure that is nearest to the other sign base.
  - iv. Fuel Station Canopy. For a property that contains a gasoline and/or diesel fuel pump island, the owner/operator may exhibit one (1) logo sign per canopy side adjacent to the right-of-way and one (1) electronic or non-electronic price sign per gasoline and/or diesel fuel Pump Island not exceeding forty (40) square feet in sign area. Electronic fuel price signs shall comply with Section 21-9. The signage authorized by this subsection does not count towards a property's total signage allotment.
  - v. Temporary signs. One (1) temporary sign may be displayed during business or activity opening, or special promotions, and shall not be displayed for greater than fourteen (14) days with a maximum of four (4) permits per property annually. The area of the sign may not exceed forty (40) square feet. Temporary signs shall adhere to setback requirements applicable to on-premises freestanding signs and shall not count towards maximum combined sign area. Temporary signs shall not be permitted on property with changeable electronic variable messaging signs or manual changeable copy signs.
  - vi. CEVMS signs are permitted in accordance with Section 21-9 of this Chapter.
  - vii. Off-Premises Directional signs in accordance with Section 21-10 of this Chapter.
  - viii. Flags and flag signs in accordance with Section 21-11 of this Chapter.
- b. Types of Signs Allowed without a Permit
    - i. A property owner may place no more than two (2) non-commercial signs or flag signs on the property at any time. Non-commercial signs shall not exceed two (2) sign faces and shall not exceed twelve (12) square feet per sign face or twenty-four (24) square feet cumulatively. Non-commercial signs shall not be more than five (5) feet in height, and shall not be



- illuminated, electronic, digital, have any moving elements, or be permanently affixed to the ground.
  - ii. Window signs. Window signs shall not exceed more than fifty (50%) percent of the window surface area and may not contain words with characters greater than twelve (12) inches in height.
  - iii. On-Premises Directional signs in accordance with Section 21-10 of this Chapter.
  - c. No sign may be installed on private property without the consent of the property owner and may not be installed in, on, or over any public street or public right-of-way.
  - d. Except as authorized by Section 21-10, any sign allowed under this Section shall not advertise the sale of goods, services, or activities that are not available on the property on which the sign is installed, attached or placed.
  - e. Properties in the ETJ that are appraised by the Washington County Appraisal District as or used as non-residential property shall comply with this Section.
3. Downtown Sign Regulations. For the purpose of this Chapter, Downtown Districts shall mean property zoned B-3, Historical Central Business District and B-4, Neighborhood Business District as established in Appendix A – Zoning of the Brenham Code of Ordinances. The provisions in this Section 21-12(3) shall prevail over any other conflicting provisions of this Chapter applicable to the B-3 and B-4 zoning districts.
- a. Residential Uses. Single-family and multiple-family uses shall comply with the signage standards established in Section 21-12(1) of this Chapter.
  - b. Types of Signs Allowed with a Permit.
    - i. Wall and Projecting Signs. The total sign area for all attached signs for each lot shall not exceed one (1) square foot in sign area for each linear foot of the occupancy's building frontage and in no case shall exceed forty (40) square feet. Sign area allotment is computed by adding the sign area of all signs allowed by this subsection.
    - ii. Monument Sign. One (1) indirectly lighted monument sign with two (2) sign faces shall be permitted per occupancy not to exceed five (5) feet in height and the lowest point of the sign shall not exceed twenty-four (24) inches above the adjacent grade. The total sign area shall not exceed twenty-five (25) square feet and may be located as near as eight (8) feet to the edge of pavement as measured from the closest edge of the sign.
    - iii. Mural. Any painting, design, or image, including incidental copy, which is applied directly to the exterior of a building for artistic, informational, historic, or aesthetic purposes, and shall not contain a commercial message greater than thirty percent (30%) of the façade to which it is applied. Commercial messages shall be related to a business, product, service or activity which is available or conducted upon the premises where such sign is located. A mural shall be compatible with the architectural and aesthetic components of the building, not detract from the character of the district in which it is located, and not be detrimental to the public health, safety or welfare.
    - iv. Flags and flag signs in accordance with Section 21-11 of this Chapter.
    - v. Off-Premises Directional signs.

1. Off-premises directional signs in the Downtown Districts shall be wall signs;
  2. The sign face shall be located within five hundred (500) feet of the subject business;
  3. The sign face shall include the name, symbol or logo of a business or facility and an arrow indicating direction;
  4. The sign face shall be a maximum of nine (9) square feet;
  5. Each establishment is allowed two (2) signs each to be located on different anchor sites; and
  6. The anchor site shall be allowed a maximum of four (4) directional signs.
- c. Permitted Non-Residential Uses Types of Signs Allowed without a Permit.
- i. Window signs. Window signs shall not exceed more than twenty-five percent (25%) of the window surface area and may not contain words with characters greater than twelve (12) inches in height.
  - ii. A property owner may place no more than two (2) non-commercial signs with a total sign face not to exceed twelve (12) square feet on the property at any time.
  - iii. Sidewalk signs shall be located within five (5) feet of the building occupancy frontage of the business or other entity and shall not encroach within handicapped accessible access ways and routes. Sidewalk signs shall only be displayed or erected during the actual hours of operation, are limited to one (1) sign structure with two (2) sign faces per business/entity or tenant, and shall not exceed twelve (12) square feet in size cumulatively. Properties with multiple entrances on multiple parallel streets shall be allowed one (1) additional sidewalk sign on the parallel street on which the corresponding entrance is located.
- d. Except as authorized by Section 21-12(3)(b)(v), any sign allowed under this Section shall not advertise the sale of goods, services, or activities that are not available on the property on which the sign is installed, attached or placed.

### **Sec. 21-13. – Maintenance of Signs.**

1. All signs and structures supporting signs in the City and ETJ shall be properly maintained. The Sign Administrator shall have the authority to order the painting, repair, or removal of a sign, sign structure, or accompanying landscaping which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment. Notice of required maintenance shall be sent by certified mail and if, within ten (10) calendar days, the maintenance orders are not complied with, the Sign Administrator may order the sign to be removed at the owner's expense under the provisions of this Chapter.
2. It is an offense for a Responsible Party to fail to maintain signs and sign structures in a good and sound condition as determined by the Sign Administrator and in accordance with the applicable building code and other code(s). Responsible Parties shall repair or replace signs and sign structures, or portions thereof, that are rotting, peeling, rusting, fading, becoming discolored, covered in dirt, contain an incomplete sign face, or any other defective conditions. Responsible Parties shall not allow signs or sign structures to

become a threat to public health, safety or welfare, within the meaning of the applicable building code and other code(s), as a result of inadequate design, construction, repair, or maintenance. The Sign Administrator is authorized to seek to compel immediate removal of signs that are in such a state of disrepair or dilapidation as to constitute an imminent threat to public health, safety or welfare.

3. A permit is not required for routine maintenance, adjustments, replacement of light globes, and similar maintenance activities.
  - a. Abandoned or Discontinued Signs. An abandoned or discontinued sign face is a sign face that advertises a business, facility, organization or project that has ceased operations. All abandoned sign faces shall be removed by the Responsible Party within sixty (60) days from their date of abandonment. For the purposes of this Section, a business, facility, organization or project has ceased to operate when it is no longer engaged in the sale of products or services or conducting any other activity in the normal course of business. The Sign Administrator shall have the authority to grant a time extension not exceeding an additional sixty (60) days for an abandoned, non-damaged sign.

#### **Sec. 21-14. - Nonconforming Signs.**

1. Determination. A non-temporary sign lawfully erected within the corporate limits of the City or its ETJ prior to the date of adoption of the ordinance from which this Chapter is derived, which does not conform to the regulations of this Chapter, shall be deemed to be a nonconforming sign which shall be allowed to continue, with normal maintenance and repair only; provided, however, a nonconforming sign may not be enlarged upon, expanded, or extended. It is not the intent of this Section to encourage the survival of nonconforming signs; to the contrary, nonconforming signs are discouraged and contrary to the intent and purpose of this Chapter.
2. Removal. Nonconforming signs shall be terminated and removed immediately upon the occurrence of one (1) of more of the following:
  - a. A sign that, having been permitted to remain in place as a nonconforming use, is required to be removed in the event the sign, or a substantial part of it, is blown down, damaged or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols or other matter on the sign; for purpose of this subsection, a sign or substantial part of it is considered to have been destroyed if the cost of repairing the sign is more than sixty percent (60%) of the cost of erecting a new sign of the same type at the same location;
  - b. A nonconforming sign that has been abandoned;
  - c. A nonconforming sign that the use of which has been discontinued for a period of sixty (60) days or more consecutive days; or
  - d. A nonconforming sign that has become obsolete or substandard under any applicable ordinance of the City to the extent that the sign becomes a hazard or danger to the public health, safety or welfare.

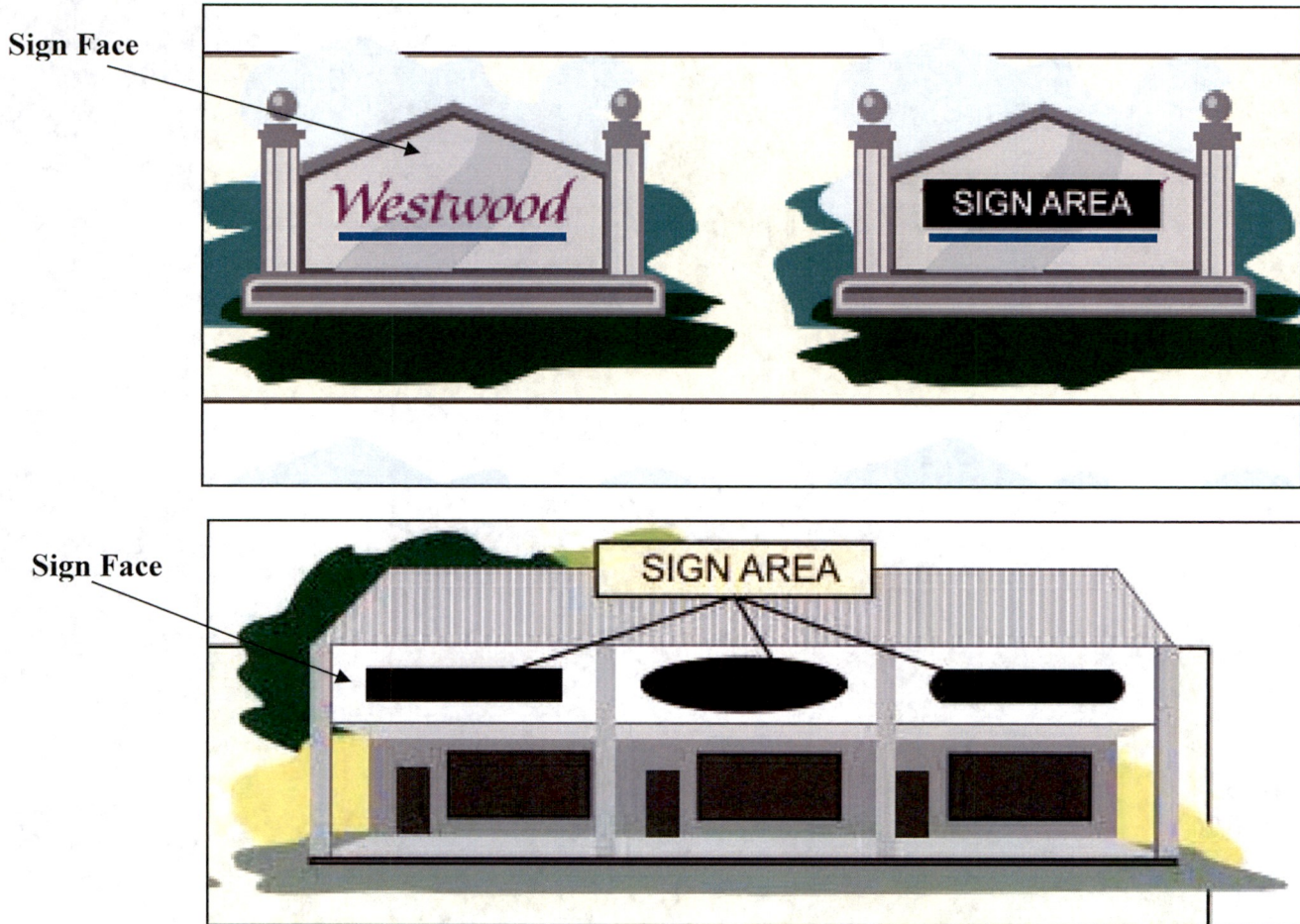
**Sec. 21-15. - Violations and Penalties.**

1. In the event of a violation of this Chapter, the Responsible Party will be notified by the Sign Administrator by certified mail and required to correct the situation within ten (10) calendar days.
2. If the violation is corrected within ten (10) calendar days, no charges will be filed other than a charge of failure to obtain a building and/or sign permit if such a charge is applicable. Otherwise, charges may be filed each following day until such time as the violation is corrected.
3. Conviction of violation of this Chapter is punishable by a fine of not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00). Each day that the violation is allowed to continue shall be considered a separate offense. Any Responsible Party may be charged with separate violations each day the violation is allowed to continue.
4. In addition to the penalties set forth in this Chapter, the City may pursue any and all other remedies that are available at law or in equity for violations of this Chapter, including but not limited to civil penalties and injunctive relief.

**Sec. 21-16. - Billboards.**

1. Billboards shall not be permitted within the corporate limits of the City of Brenham or its ETJ.
2. Existing billboards maintained as nonconforming uses.
  - a. Sign face replacement shall be allowed on nonconforming billboards without a permit to the extent that no structural modifications of the sign or its structure are required.
  - b. In the event a nonconforming billboard or a substantial part of it is damaged by any means or cause or dismantled for any purpose other than maintenance of the sign or for changing the sign face, and the repair or reconstruction cost, whichever is applicable, exceeds sixty percent (60%) of the cost of erecting a new sign of the same type at the same location, such nonconforming billboard shall be removed immediately.
3. Any billboard lawfully erected and maintained as a nonconforming use that does not display any copy, transcript, reproduction, model, likeness, image, advertisement or written material for a period of one hundred twenty (120) consecutive days or more is hereby declared to be a violation of this Section and as such shall be restored to use or removed by the owner or permittee within thirty (30) days after notice by the Sign Administrator of such violation.

**Sec. 21-17. – Exhibits.**



**Sec. 21-18 – 21-19. – RESERVED.**

**SECTION 3.**

All provisions of any ordinance, resolution or other action of the City in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances, resolutions or other actions shall remain in full force and effect.

**SECTION 4.**

Should any section, subsection, sentence or clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentences, clauses and phrases remaining should any provision be declared unconstitutional or invalid.

**SECTION 5.**

Any other ordinance or parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 6.**

This Ordinance shall become effective upon adoption and publication as required by law.

**PASSED** and **APPROVED** on its first reading this the 6<sup>th</sup> day of June, 2019.

**PASSED** and **APPROVED** on its second reading this the 20<sup>th</sup> day of June, 2019.



*Milton Y. Tate, Jr.*  
Milton Y. Tate, Jr.  
Mayor

**ATTEST:**

*Jeanne Bellinger*  
Jeanne Bellinger, TRMC, CMC  
City Secretary