



**NOTICE OF A SPECIAL WORKSHOP MEETING
BRENHAM PLANNING AND ZONING COMMISSION
MONDAY, JANUARY 28, 2019 AT 4:30 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN
BRENHAM, TEXAS**

1. Call Meeting to Order

2. Public Comments

[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]

WORKSHOP AGENDA

3. Discussion regarding the Proposed Sign Ordinance Revisions.

4. Adjourn

CERTIFICATION

I certify that a copy of the January 28, 2019, agenda of items to be considered by the Planning & Zoning Commission was posted to the City Hall bulletin board at 200 W. Vulcan, Brenham, Texas on January 24, 2019, at 3:20 pm.

Kim Hodde

Kim L. Hodde, Planning Technician

Disability Access Statement: This meeting is wheelchair accessible. The accessible entrance is located at the Vulcan Street entrance to the City Administration Building. Accessible parking spaces are located adjoining the entrance. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours before the meeting) by calling (979) 337-7567 for assistance.

I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the _____ day of _____, 2019 at _____ am/pm.

Signature

Title



Development Services Department

200 W. Vulcan St.
Brenham, Texas 77833

979-337-7269
sdoland@cityofbrenham.org

Memorandum

Date January 28, 2019

To Chair Nancy Low and Planning and Zoning Commission

From Stephanie Doland, Assistant Director of Development Services

Subject Draft Sign Ordinance Amendment

Distribution James Fisher, City Manager
Cary Bovey, City Attorney
Lowell Ogle, Assistant City Manager
Lori Sanguedolce, City Engineer/Director of Development Services

The Development Services Department is working on developing a new sign ordinance for the City of Brenham and its ETJ. During the workshop portion of the City Council meeting on September 20, 2018 staff presented an update on the current sign ordinance and asked for feedback concerning an update to the ordinance. Staff was directed to draft revisions to the current sign ordinance and to meet with citizens, business and property owners, the Main Street Board and the Planning and Zoning Commission to discuss said revisions.

Since September 20th, 2018 staff has facilitated two public input meetings, one specific to Downtown and one at-large signage meeting, to discuss signage needs. Based on public feedback received, sign laws and rulings, and the existing sign ordinance staff has assembled a draft ordinance to amend signage standards in the City of Brenham and its ETJ.

During the workshop portion of the City Council meeting on January 10th, 2019 staff presented an update on the progress made to draft revisions to the existing sign ordinance. Since the recent workshop presentation staff has worked with the City Attorney to refine the initial sign ordinance amendment.

Attached to this memorandum please find a copy of the draft sign ordinance and a PowerPoint presentation with images showing the various types of signage reference in the draft ordinance.

City Staff is distributing a copy of the draft sign ordinance amendment with the intention of providing the community, business owners, and elected officials ample time to review and provide feedback concerning the proposed draft. The draft Sign Ordinance will be posted to the City webpage, City social media accounts and shared with local media. In an effort to help explain the proposed amendments and to collect feedback on the proposed draft, staff will facilitate the following public input meetings:

- Downtown Signage Public Input Meeting - Thursday, January 24th, 2019 – 5:15pm, Council Chambers located at 200 W Vulcan Street
- Signage Public Input Meeting – Thursday, January 31st, 2019 – 5:15pm, Council Chambers located at 200 W Vulcan Street

In addition to the aforementioned public input meetings, staff is working closely with the Main Street Board and the Planning and Zoning Commission to refine the proposed Sign Ordinance amendment. A presentation of the Downtown Sign Ordinance amendment was given to the Main Street Board on January 7th, 2019 and another is scheduled for February 4th, 2019. Additionally, the Planning and Zoning Commission is scheduled to review the draft on January 28th, 2019 and February 25th, 2019.

Following review by citizens, business and property owners, the Main Street Board and the Planning and Zoning Commission the proposed amendment will be considered by the City Council during the regularly scheduled meetings in March.

For questions related to the draft Sign Ordinance please contact Stephanie Doland at 979-337-7269 or sdoland@cityofbrenham.org.

Attachments: 1. Draft Sign Ordinance Amendment (redline version 1.17.2019)
 2. PowerPoint Presentation of images with proposed signage types

Table of Contents

Short Title	2
Purpose and Scope	2
Non-Commercial Signs	2
Definitions	3
Prohibited Signs	6
Sign Administrator and Enforcement	7
Permits Not Required	8
Permits Required	9
Changeable Electronic Variable Message Signs (CEVMS)	12
Directional Signs	14
Flags and Flag Signs.....	15
Regulations By Use	18
Downtown Sign Regulations	22
Existing Signs	23
Nonconforming Signs	24
Violations and Penalties	25
Billboards.....	25

Chapter 21 - SIGNS^[1]

Sec. 21-1. - Short title.

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

Sec. 21-2. - Purpose and scope.

The purpose of this Chapter is to provide minimum standards to safeguard life, health, property, safety and public welfare by regulating and controlling the size quality of materials, construction, illumination, movement, materials, location, height, and condition, installation, and maintenance of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the preservation of the character of the various neighborhoods, 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 outdoor 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.

Any sign which is altered, relocated, or replaced shall be brought immediately into compliance with all provisions of this Chapter. and sign structures, to avoid unusual clutter, to preserve and improve the appearance of the community, and to avoid traffic problems caused by distracting signs or structures. The chapter relates to all outdoor signs in the city and its extraterritorial jurisdiction.

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.

For the purpose of the chapter, the following definitions shall apply:

Altered. Shall mean made different in any way.

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 Sign. A sign painted on, printed on, or attached flat against the surface of an awning.

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 intended for advertising or attracting attention to a business or event. A banner is not a wall sign or a flag.

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. ~~advertising goods or services not available on the premises where the sign is located.~~ Billboards are not permitted anywhere in the City.

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.

Building code. The building code is the latest edition of the Standard Building Code published by the Building Code Congress.

Building official. The administrative officer charged with enforcement of the building code, zoning ordinance, and sign ordinance, and/or his agents or inspectors acting on his behalf.

Building plot. A separately owned piece of property (under one ownership) upon which a building or buildings may be situated and which may be subdivided only by sale by approved plat.

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 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. Any sign where 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.

~~*District (zoning district).* Those districts established by the zoning ordinance and zoning map regulating the uses of land in each district.~~

~~*Electric sign.* Any sign containing electric wiring which has characters, letters, figures, designs, faces, backgrounds, or outlines illuminated by incandescent or fluorescent lamps or luminous tubes as part of the sign proper.~~

Ground Sign. A sign which is supported by structures or supports in or upon the ground and independent of support from any building, including pole and monument signs unless otherwise specified in this Chapter.

Handheld (or human or living) Sign. A sign held by or attached to a human being or living creature for the purpose of communicating, advertising or otherwise drawing attention to an individual, business, commodity, service, or product. This type of sign also includes a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service, or product.

~~*Home occupation.* An enterprise which may be conducted in a residential district under the provisions of section 6 in the zoning ordinance.~~

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

Marquee Sign. A canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

Message Board. A sign or portion of a sign attached to a structure which contains a sign face designed 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.

Monument Sign. A sign permanently affixed to the ground at its base, supported entirely by a base structure.

~~*Noncombustible.* Incapable of supporting progressive combustion. Does not include fire-retardant-treated wood.~~

~~*Nonconforming use.* A sign use, land use, or a structure which existed prior to the passage of any regulation prohibiting it, or which existed prior to annexation.~~

~~*Off-premises commercial sign* means a sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located. Off-premises commercial signs are prohibited in the City of Brenham.~~

Off-Premises Sign. Any sign that advertises 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 the business, person or activity, goods, products, or services primarily sold or offered for sale on the premises where the sign is installed and maintained when such premises are used for business purposes.

~~*Ordinary minor repairs.*~~ Replacement of faces, repainting, copy change or change of panels obviously designed to be readily replaceable without structural alteration.

~~*Outdoor advertising display.*~~ Any mark, copy, structure, advice or merchandise whose principal purpose in use is to attract the public attention. (Defined at length in the building code.)

~~*Planning and zoning board.*~~ An appointed board whose purpose is to hear appeals from decisions of the building official in enforcement of the zoning ordinance, building code, and sign ordinance, to authorize extension of nonconforming uses or require their abatement, or to grant variances.

~~*Prohibited sign.*~~ Any sign prohibited by this chapter from being erected, installed, constructed, located, placed or maintained within the city's corporate limits (or portion thereof) or extraterritorial jurisdiction (or portion thereof).

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 project no more than two (2) feet perpendicular from the wall and not more than three (3) feet vertically above the wall of the building.

~~*Public easement.*~~ Any easement upon which the general public has the right of access and does not include easements for special purposes such as utilities or drainage.

~~*Public street.*~~ Any public right-of-way from property line to property line and not limited only to the main traveled way.

Responsible Party. The owner/operator of the person, business, 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 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.

Sandwich Board. A portable ground sign typically hinged at the top and widening at the bottom to form a shape similar to the letter "A".

Sign. A structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other object that is designed, intended, or used that includes text and/or images designed to communicate. Signs located completely within an enclosed building and not exposed to view from a street shall not be considered a sign. Each display surface of a sign or sign face shall be considered to be a sign. This term shall mean and include every sign billboard, ground sign, roof sign, wall sign, projection sign, temporary sign, portable sign, and marquee, and shall include any announcement, declaration, demonstration, display illustration or insignia used to advertise or promote the interests of any person or corporation when the same is placed out-of-doors in view of the general public.

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, or design.

Sign Face. The entire display surface area of a sign upon, against, or through which copy is placed.

Sign Setback. The shortest distance between the property line 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, 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.

Spectacular sign. An outdoor advertising display with flashing or perceptible moving parts.

Temporary sign ("For Sale" sign). A banner, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and that appears to be intended or is determined by the Sign Administrator to be displayed for a limited period of time. A sign pertaining to the sale or lease of rental property, located on the property offered and whose term of use expires upon the sale or lease of the property.

Traffic directional sign. A sign required for the sole purpose of enhancing traffic flow.

Under Canopy Sign. A sign suspended beneath a canopy, ceiling, roof, or marquee.

Wall Sign. A sign, other than a projecting sign, affixed to or painted upon the wall of any building.

Window Sign. A non-illuminated sign attached to, placed upon or painted on the interior of a window or door that can be viewed from the exterior of such building.

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 21-13), all existing prohibited signage shall be removed within 120 calendar days from the effective date of the ordinance from which this Chapter is derived.

1. Attention-getting devices;

2. Billboards;

3. Freestanding message board;

4. Handheld or human (living) signs;

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 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 initiate appropriate action to bring about compliance with this Chapter and other applicable law if such inspection discloses an instance of noncompliance. 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. Included among such powers are 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 charge 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 to exist which may involve imminent injury to persons, loss of life, or significant property damage, and where the Responsible Party in charge 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 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 notice and 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 notice and 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.n. 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. The appealing party shall file the appeal with the City Manager no less than ten (10) calendar days following the decision or interpretation of the Sign Administrator being appealed, and the appellant must also provide a copy of the appeal to the Sign Administrator when the appellant files the appeal with the City Manager. In the event a timely appeal is filed, the Sign Administrator shall promptly provide the City Manager with all information and documents relevant to the appeal. Upon 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 the corporate limits of the City of Brenham and its ETJ and do not require a Sign Permit. Any sign listed below shall be erected, constructed, installed and maintained in a safe condition in conformance with all applicable codes:

1. Garage 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 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 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. One sign is permitted per property frontage and shall not exceed sixteen (16) square feet in residential districts or thirty-two (32) square feet in non-residential districts, and do not exceed five (5) feet in height;
7. Sandwich Board signs located on-premises of the business operations, shall not encroach within handicapped accessible access ways and routes, or public rights-of-way. Sandwich boards shall only be displayed or erected during the actual hours of operation only, are limited to one (1) per business/entity or tenant, and shall not exceed six (6) square feet in size.

Sec. 21-84. ~~— Permits Required; alteration and maintenance of signs.~~

Except as otherwise provided herein, no sign shall be erected, installed, maintained, relocated, constructed, altered or renewed, 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 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 a list of 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 uncodified fee schedule adopted by the City Council shall accompany all sign permit applications.
5. -Duration and revocation of permit. If a sign is not completely installed within six (6) months 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.
6. -Issuance. A sign permit shall not be issued when:
- a. -An existing sign on the premises is not in compliance with this Chapter;
 - b. -A sign on the premises is proposed for installation 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 which are energized in excess of 750 volts.
 - e. 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.

~~(a) —Permits required; application; fee-~~

- ~~(1) No sign shall hereafter be erected, relocated, constructed, altered or renewed, except as provided by this article and a permit for the same has been issued by the building official.~~
- ~~(2) Application for a building permit shall be made in writing upon forms furnished by the building official. Such application shall contain the location by street and number of the proposed sign as well as the name and address of the owner and the sign contractor or erector. The building official may require the filing of plans or other pertinent information such as the method of construction, the method of installation or support, etc.~~
- ~~(3) A sign permit fee shall be paid to the building official for each permit in accordance with the following schedule:~~

Cost	Fee
\$ 0.00 to 500.00	\$ 5.00
500.00 to 2,000.00	10.00
Over \$2,000	10.00 plus \$3.00 for each additional thousand or fraction thereof.

~~-~~

~~(b) Exemptions.~~

- ~~(1) A permit is not required for a ground temporary "for sale" or "for rent" sign which advertises either the sale or rental of the premises upon which it is maintained and does not exceed eight (8) square feet of display surface in residential districts and fifteen (15) square feet in business districts. This exemption shall apply only to the requirements of the permit and shall not be construed as relieving the owner of the sign from the responsibility for its erection and maintenance in a safe condition.~~
- ~~(2) No permit shall be required to change the advertising copy or message on a painted, printed or changeable letter sign. Painting, repainting, cleaning or repair maintenance shall not be considered an erection or alteration which requires a permit unless a structural change is made.~~
- ~~(3) No permit will be required for portable signs which are less than ten (10) square feet in area and extend no higher than forty eight (48) inches above sidewalk or curb level.~~

~~(c) Alterations.~~

~~A sign which was erected before the adoption of these requirements shall not be rebuilt, relocated, nor altered without conforming to the requirements of this code.~~

~~(d) Maintenance.~~

~~The building official shall require the proper maintenance of all signs. All signs together with all of their supports, braces, guys, and anchors shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. The building official may order the removal of any sign that is not maintained.~~

~~Sec. 21-5.—Obligations of the permit holder.~~

~~The holder of a building permit is required to affirm that he understands the regulations concerning signs and intends to abide by them. Permits issued in error which show work not allowed by this chapter do not stay the building official from requiring compliance when the error is discovered.~~

~~(Ord. of 4-23-81, § 5)~~

~~Sec. 21-6.—Nonconforming uses.~~

~~(a) Signs which lawfully existed prior to adoption of this chapter may continue in use for the remainder of their structurally useful economic life. They may not be structurally altered or rebuilt unless the modifications result in conformity with the present ordinances. (Spectacular signs do not come under nonconforming use and must be specially permitted if in existence at the time of adoption of this chapter.)~~

~~(b) The provisions for the extended use of nonconforming signs, as defined in this section, will terminate when the business entity no longer exists at the location.~~

~~(c) Copy change, preventive maintenance or replacement of panels designed to be readily changeable are not considered structural modifications.~~

~~(Ord. of 4-23-81, § 6; Ord. of 7-23-84, § 1)~~

~~Sec. 21-7.—Variances.~~

~~The board of adjustments and appeals has the power to grant variances to sign or setback regulations where all four (4) of the following criteria are proved by the applicant:~~

~~(1) Unique and special circumstances exist on the land in question and are not found on other lands in the district;~~

~~(2) Hardship would result from the action of the city. Hardship in general means that all lawful economic use of the land would be lost if the regulation were applied, and cannot be self-created by the present or prior owners. It does not include loss of anticipated revenue which might be or is being realized by violation of this chapter, or the comparative cost of compliance versus noncompliance;~~

~~(3) The public interest will not be adversely affected by the variance sought; and~~

~~(4) The type of sign for which a variance is being sought is not prohibited by this chapter in the proposed location of the sign. This subsection (4) does not apply to variances sought for signs to be located in the B-3 Historical Central Business District.~~

~~(Ord. of 4-23-81, § 8; Ord. of 7-23-84, § 1; Ord. No. 0-16-014, 6-2-16)~~

~~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.~~

1. CEVMS locations. CEVMS signs are only permitted on property adjacent to the following thoroughfares:
 - a. US Highway 290 East and West
 - b. US State Highway 36 North and South
 - 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.
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 be limited to thirty-two (32) square feet for a single business, entity or use and fifty (50) square feet for a multi-occupant business, entity or use.
 - f. 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;
 - h. 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
 - i. 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 events for the City.
3. Fuel/Gas price electronic signs.
 - a. Shall not exceed thirty-six (36) total square feet per sign face and may consist of no more than three (3) individual price panels at six (6) square feet in size; and
 - b. Fuel/gas prices shall be displayed as a static message and subject to all CEVMS regulation established in this Section.
4. CEVMS shall only be permitted as on-premises signs.

5. 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 real estate signs that may be erected to advertise the real estate listing of the property.

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;
- 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 an area of four (4) square feet (1 foot in height by 4 feet in width) for each business;
- ii. Shall not exceed a height of eight (8) feet;
- iii. Shall be designed with black letters and white background, white letters with blue background, or white letters with brown background;
- iv. Lettering shall be a simple block font;
- v. Shall include the name, symbol, or logo of a business or facility and an arrow indicating the direction;
- vi. Each establishment is allowed two (2) signs each to be located on different sites;
- vii. The anchor site shall be allowed a maximum of four directional signs not to exceed sixteen (16) square feet of area.
- viii. 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

ix. 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-site sign is proposed to be displayed;

iii. When detached, the sign face shall be placed on detached signage as a tenant sign;

iv. When attached, the sign face shall be placed on a building as a wall sign; and

v. There shall be no more than one sign face, attached or detached, per direction of facing.

Sec.21-11. – Flags and flag signs.

1. No more than three (3) freestanding flagpoles may be allowed at any time on the premises. 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 may be allowed.

2. A maximum of one (1) corporate flag and flagpole may be permitted if erected in conjunction with at least one (1) flagpole and flag consistent with subsection (1) of this Section.

3. 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.

4. Flags may be permitted in all zoning districts.

5. 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.

6. Flagpoles shall be black, brown, dark green, white, silver, or bronze in color.

7. Lighting of flags may be allowed, but shall not direct glare onto any building located on any other property.

8. 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 (25%) percent 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.

9. 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.

a.—Neither the flag, flagpole, nor any other support structure may extend over an adjoining property line.

~~Sec. 21-8.—Relation to other codes or ordinances.~~

~~*Electrical code:*~~

~~(1) Electrically lighted or activated signs require no inspection at the point of manufacture or for repairs or alterations to internal wiring of the sign itself. However, any sign found to be internally unsafe will be required to be corrected.~~

~~(2) All electrical supply to the point of connection at the sign must be installed by an electrician licensed by the city.~~

~~(Ord. of 4-23-81, § 10)~~

~~**Cross reference**—Electrical regulations, § 6-20 et seq.; adoption of electrical code, § 6-42.~~

~~Sec. 21-9.—Regulation by type of sign.~~

~~(a) *Ground signs:*~~

~~(1) Ground signs shall not be placed so that any part of the sign is nearer to the back of curb, (or pavement edge) than eight (8) feet, and no part of the sign may extend into the right-of-way.~~

~~(2) Signs erected at the intersection of two (2) streets shall not create a traffic hazard by obstructing the view of drivers. The guidelines would be to have the sign seven (7) feet above street level, or to be far enough from the intersection of the streets that it did not obstruct the view of drivers.~~

~~(3) Ground signs are limited to area to one square foot of sign for each two (2) feet of frontage on public streets, with a maximum of one hundred (100) square feet of area for any sign (or signs) related to one business entity.~~

~~(4) In multiple business areas, such as shopping malls or strip centers where a common sign base is used for several businesses, the aggregate sign surface shall not exceed one square foot for each two (2) feet of public street frontage or three hundred (300) square feet, whichever is smaller.~~

~~(5) If ground signs are erected in a shopping mall or strip center that are separate from the common sign discussed above, the sign area shall be limited by the frontage of the business entity and/or entities erecting the separate sign.~~

~~(6) Ground signs are limited in height to twenty-four (24) feet except along four-lane divided, limited access, highway where the limit is forty-eight (48) feet in height.~~

~~(b) Roof signs:~~

~~(1) Roof signs are outdoor advertising displays erected, constructed, or maintained above the roof of any building.~~

~~(2) Roof signs are not permitted in any residential district.~~

~~(3) Refer to the building code for complete construction details.~~

~~(4) A roof sign may not extend beyond the wall of the building. Roof signs must be at least six (6) feet above the roof deck to the bottom edge and must have at least five (5) feet horizontal distance between supports.~~

~~(5) A roof sign may be located on the roof edge if it covers less than fifty (50) per cent of the edge upon which it faces.~~

~~(6) A roof sign must be entirely noncombustible and may not exceed twenty-four (24) feet above the roof deck. A registered professional engineer's analysis of the sign or roof structure may be required where it appears warranted.~~

~~(c) Wall signs:~~

~~(1) Wall signs are outdoor advertising displays attached or affixed to the wall of any building, when such sign shall project not more than twelve (12) inches from the building.~~

~~(2) Wall signs are not permitted in single-family residential districts.~~

~~(3) Refer to the building code for complete construction details.~~

~~(4) Wall signs must be constructed of noncombustible materials, including the face, except where they are attached to a combustible wall surface. In that case they may be faced with the same material with which the wall is faced.~~

~~(d) Projection signs:~~

~~(1) Projection signs are outdoor advertising displays which are affixed to any building wall or structure and extend beyond the building wall or structure more than twelve (12) inches.~~

~~(2) Projection signs are prohibited in all residential districts. A projecting sign may not extend above the roof line in any district.~~

~~(3) Refer to the building code for complete construction details.~~

~~(e) Marquee signs:~~

~~(1) Marquee signs are prohibited in all residential districts.~~

~~(2) Refer to the building code for complete construction details.~~

~~(3) Marquee signs must be constructed entirely of metal or approved plastic faces and must be at least eight (8) feet above grade or sidewalk level and not more than six (6) feet above the marquee. They may not exceed eight (8) feet in the vertical dimension in any case.~~

~~(f) Portable signs:~~

~~(1) Portable signs are signs which are not attached to the ground or to a structure and are readily moveable.~~

~~(2) Portable signs are permitted only in business districts.~~

~~(3) Portable signs shall not be placed so that any part is nearer to a street right-of-way than eight (8) feet back of curb and shall not be placed in a triangle formed by the intersection of two (2) rights-of-way and a line joining points twenty-four (24) feet back from the point of intersection.~~

~~(4) Portable signs shall not have flashing lights nor shall any red or green light bulbs be allowed on portable signs located closer than twenty (20) feet to curbline or pavement edge.~~

~~(g) *Spectacular signs.* Spectacular signs are prohibited in all districts.~~

~~(h) *Signs for sexual businesses.* It shall be unlawful for the owner or operator of any enterprise, as defined and regulated in section 16-11(a), or any other person to erect, construct or maintain any sign for the enterprise other than one attached sign as defined in this chapter and further restricted as follows. In addition, this one attached sign shall not contain any flashing lights or moving parts, shall be rectangular in shape and shall not exceed fifty (50) square feet in area. It shall contain no photographs, silhouettes, drawings or pictorial representations of any manner and shall not advertise either graphically or verbally, either by explicit or literal expression, connotation or implied reference, any specified sexual activities or specified anatomical areas. The sign may contain only the name of the enterprise and/or one or more of the following phrases: "Adult bookstore," "adult movie theater," "adult lounge, parlor or cabaret," "adult novelties," "adult entertainment," "adult modeling studio," "adult video."~~

~~(i) *Off-premise directional signage.* Off-premise directional signage for businesses or industries may be requested for those businesses or industries that have a high volume of traffic that is generated from delivery vehicles, tourist traffic or a combination thereof. Requests for directional signage shall be made in writing to the department of public works. Final consideration to allow the directional signage at the proposed location will be addressed by the city council.~~

~~(Ord. of 4-23-81, § 11; Ord. of 7-23-84, § 1; Ord. of 12-2-93, § III; Ord. of 8-21-03, § 1)~~

~~**Cross reference**—Buildings code adopted, § 6-1; fire protection and prevention, Ch. 8.~~

~~Sec. 21-120. - Regulations by zoning districtsuse.~~

~~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 in Section 21-XX 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 one (1) monument sign at each major entrance. The total sign area shall not exceed sixty (60) square feet in sign area, five (5) feet in height, and the lowest point of the sign shall not exceed twenty-four (24) inches above the adjacent grade. The sign setback shall be a minimum of eight (8) feet from the right-of-way and may be indirectly lighted.~~

~~1. Subdivision entry signs must provide a landscaped area equal to 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 insure an attractive appearance and a healthy vigorous, growth environment.

ii. Wall, Canopy, Roof 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 a complex's building frontage and in no case shall exceed sixty-four (64) square feet.

iii. Flags and flag signs in accordance with Sec. 21-XX 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 with a total sign face not to exceed twelve (12) square feet on the property at any time.

ii. 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 lessor 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.

a-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.

- ~~(1) Temporary "for sale" or "for rent" signs up to eight (8) square feet in area may be placed on the premises advertised. No permit is required.~~
- ~~(2) Development ground signs up to three hundred (300) square feet may be permitted for up to six (6) months and extend until such time as the original developer's sales are substantially complete.~~
- ~~(3) Spectacular signs are not permitted.~~

~~(b) Multifamily residential districts:~~

- ~~(1) Wall signs may be placed in multifamily districts.~~
- ~~(2) Spectacular signs are not permitted.~~
- ~~(3) Temporary "for sale" or "for rent" signs up to eight (8) square feet in area may be placed without permit or modification of use permit, but such signs pertaining to the on-going rental or lease of individual units are not considered temporary signs in this context.~~

2. (c) Business district: Non-Residential Sign Regulations. Unless stated in Sec. 21-XX 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, Canopy, Under Canopy, Marquee, Roof 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 occupancies 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 signs allowed by this subsection.

ii. Single-Business Ground Signs.

- 1. Number of Signs. One non-attached sign provided in Sec. 21-12(2)(a)(ii)(2) per lot may be erected. Where an occupancy has more than one (1) main 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.
- 2. Design Specifications. Ground signs 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.

<u>Posted Speed Limit (mph)</u>	<u>Maximum Sign Area (Sq ft)</u>	<u>Setback from ROW</u>	<u>Sign Height (ft)</u>
<u>25 - 35</u>	<u>50</u>	<u>8</u>	<u>8</u>
<u>40 - 50</u>	<u>128</u>	<u>15</u>	<u>15</u>

<u>55 - 65</u>	<u>242</u>	<u>20</u>	<u>25</u>
<u>70</u>	<u>300</u>	<u>25</u>	<u>35</u>

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%).
- iii. Multiple-Business Ground Sign. An integrated business development shall be permitted one (1) on-premises ground sign for each increment of five (5) entities in the development, with a maximum sign area 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 may exhibit one (1) logo sign not exceeding thirty-six (36) square feet of sign area 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 be in accordance with Sec. 21-XX. The signage under this subsection does not count against 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. Square footage 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. Flags and flag signs in accordance with Sec. 21-XX of this Chapter.
 - vii. Off-Premises Directional signs in accordance with Sec. 21-XX of this Chapter.
 - viii. CEVMS signs are permitted as established in Sec.21-XX of this Chapter.
- b. Types of Signs Allowed without a Permit
- i. A property owner may place two (2) non-commercial signs with a total sign face not to exceed twenty-five (25) square feet on the property at any time. Non-commercial signs shall not be more than five (5) feet in height, and shall not be illuminated, electronic, digital, or have any moving elements.
 - 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 Sec. 21-XX 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. Any sign 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.

~~(1) All signs except spectacular signs are permitted in the business district.~~

~~(2) Temporary "for sale" signs up to fifteen (15) square feet may be placed without a permit. Signs may exceed the fifteen foot limit if they meet all requirements for permanent signs in the district and a permit is issued.~~

3.(d) — 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.

a. Residential Uses. Single-family and multiple-family uses shall adhere to signage standards established in Sec. 21-XX of this Chapter.

b. Types of Signs Allowed with a Permit.

i. Wall, Canopy, Under Canopy, Marquee, Roof 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 occupancies 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 indirectly lighted monument sign 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 public right-of-way 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 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 and welfare.

iv. Flags and flag signs in accordance with Sec. 21-XX of this Chapter.

v. Off-Premises Directional signs.

i. The sign face shall be located within 500 feet of the subject business.

ii. Each establishment is allowed two signs each to be located on different sites.

iii. The anchor site shall be allowed a maximum of four 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 (25) percent 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.
- i. On-Premises Directional signs in accordance with Sec. 21-XX of this Chapter.
- ii. Sandwich Board signs shall be located within five (5) feet of the building occupancy frontage of the business or other entity, shall not encroach within handicapped accessible access ways and routes. Sandwich boards shall only be displayed or erected during the actual hours of operation only, are limited to one (1) per business/entity or tenant, and shall not exceed six (6) square feet in size.

~~*Industrial district.* All signs except spectacular signs are permitted in industrial districts. Temporary "for sale" signs up to fifteen (15) square feet may be placed without a permit. Signs in excess of fifteen (15) square feet may be permitted if they meet all requirements for permanent signs in the district and a permit is issued.~~

~~(e) *Signs within the extraterritorial jurisdiction.* The City of Brenham's sign ordinance shall apply to signs within the city's extraterritorial jurisdiction. Off premises commercial signs and billboards shall be prohibited within the extraterritorial jurisdiction of the City of Brenham, Texas. All signs which are in compliance with Texas Transportation Code, chapter 394 at the date of enactment of this ordinance shall be permitted in accordance with said Transportation Code.~~

~~Sec. 21-11. Appeals.~~

~~(a) Any person aggrieved by any decision or order of the building official in enforcement of this chapter may appeal to the board of adjustments and appeals by filing a written notice of appeal with the city manager within thirty (30) days of the action appealed from. An appeal stays the action unless there exists imminent peril to life or property.~~

~~(b) Appeals to the building code and zoning ordinance may be made in a similar fashion.~~

Sec. 21-13. - Existing Signs.

1. Maintenance of Existing Signs.

- a. 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) 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 ordinance.
- b. 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 that are rotting, peeling, rusting, fading, becoming discolored, covered in dirt, or filled with holes. Responsible Parties shall not allow signs or sign structures to become dangerous, 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 and welfare.

- c. A permit is not required for simple routine maintenance, adjustments, replacement of light globes, etc. on existing conforming signs.
2. Abandoned or Discontinued Sign Faces. An abandoned or discontinued sign face is a sign face that advertises a business 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 or project has ceased to operate when it is no longer engaged in the sale of products or services 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 face.

Sec. 21-14. - Nonconforming Signs.

1. Determination. A permanent 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. The addition of an LED clock or time counter for informational purposes to off-premises signs shall not constitute an enlargement, expansion, or extension provided that it is placed within the original face of the nonconforming sign and is not more than ten percent (10%) of the total sign area. 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 immediately upon the occurrence of the following event specified:
 - 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 only 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 has been discontinued for a continuous period of sixty (60) days; and

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.

Sec. 21-152. - Violations and penalties.

- a) When a violation is reported or found, ~~the owner and/or manager~~ the Responsible Party of the sign and of the property will be notified by the ~~building official~~ Sign Administrator by certified mail and required to correct the situation within ~~a stated, reasonable time~~ ten (10) calendar days. ~~The time allowed will be based upon that work, if any, which must be done to correct the violation.~~
- b) If the ~~corrections are made~~ violation is corrected within ~~the time stated~~ ten (10) calendar days, no charges will be filed other than ~~one a~~ charge of failure to obtain a building and/or sign permit if this charge is applicable. Otherwise, charges will be filed each following day until such time as the problem violation is corrected ~~or all of the cases filed have been dismissed by the municipal court.~~
- c) Conviction of violation of ~~the "Sign Ordinance" this Chapter~~ this Chapter is punishable by a fine ~~from~~ of not less than twenty-five dollars (\$25.00) and not more than ~~five two~~ five hundred dollars (\$~~5~~200.00) for each day that the violation is allowed to continue. ~~Both the owner or operator of the sign and the owner of the property~~ Any Responsible Party may be ~~are~~ charged with separate violations each day the violation is allowed to continue.

Sec. 21-13. - Billboards.

- a) Billboards shall not be permitted within the city corporate limits ~~or of the City of Brenham or its ETJ. the extraterritorial jurisdiction of the city.~~
- b) Existing billboards maintained as nonconforming uses.
 1. 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.
 2. 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 ~~operations of the sign~~ or for changing the sign face, and the repair or reconstruction cost, whichever is applicable, exceeds sixty ~~(60)~~ percent (60%) of the cost of erecting a new sign of the same type at the same location, ~~it~~ such nonconforming billboard must ~~shall~~ be removed immediately.
- c) 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 ~~city manager or city manager's designee~~ Sign Administrator of such violation.

NEW SIGNAGE TYPES

AWNING SIGN



BANNER SIGN



NEW SIGNAGE TYPES

DIRECTIONAL (WAYFINDING) SIGN



FLAGS AND FLAG SIGNS



NEW SIGNAGE TYPES

GROUND SIGN



MARQUEE SIGN



NEW SIGNAGE TYPES

MESSAGE BOARD SIGN



MONUMENT SIGN



NEW SIGNAGE TYPES

PROJECTING SIGN



ROOF SIGN



NEW SIGNAGE TYPES

UNDER CANOPY SIGN



WINDOW SIGN



CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS (CEVMS)

1. Location
2. Size: 32 square feet for single business use or 50 square feet for multitenant business or use
3. Banner/temporary signage forfeiture
4. Additional regulations to consider:
 1. Static message: no blinking, flashing, or scrolling
 2. Minimum display time (8 seconds)
 3. Transition time of 1 second
 4. Limit brightness (0.3 foot-candle)



DIRECTIONAL SIGNS

Off-Premise

- Maximum sign area & height
- Limit:
 - Number placed by a business
 - Number placed on a property
 - Sign distance from business
 - Wall sign or detached sign



On-Premise

- Maximum sign area & height
- Limit to arrows, directions and references to destination

