

ORDINANCE NO. 22-705-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROOKSHIRE TEXAS, REPEALING AND REPLACING CHAPTER 46 “SIGNS” OF THE CODE OF ORDINANCES, CITY OF BROOKSHIRE, TEXAS TO REFLECT REORGANIZED AND MODERNIZED DEVELOPMENT STANDARDS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) PER DAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND, PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council (the “Council”) of the City of Brookshire, Texas (the “City”) desires to protect the health, safety, and welfare of the general public by providing certain regulations related to development standards within the City; and

WHEREAS, the Council finds that it is reasonable, necessary, and proper for the health, safety, and welfare of the general public to ensure that all proposed development projects adhere to certain development standards within the City; and,

WHEREAS, the Council finds it necessary to repeal the existing Chapter 46 of the Code of Ordinances of the City of Brookshire and replace it with the language provided herein, with such changes being shown in a redlined version attached to this Ordinance as “Exhibit A”; and **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSHIRE:

SECTION 1. THAT Chapter 46 “Signs” of the Code of Ordinances, City of Brookshire, Texas, is hereby amended by repealing the existing language and replacing the language with the language provided below, with such language to read as follows:

“CHAPTER 46 - SIGNS

Sec. 46-1. - Purpose and goals.

- (a) The purpose of this chapter is to provide uniform sign standards that perform the following:
 - (1) Promote a positive image of the city;
 - (2) Protect an important aspect of the economic base;
 - (3) Reduce the confusion and hazards that result from excessive and prolific use of sign displays;
 - (4) Ensure that no hazard is created due to collapse, wind, fire, collision, decay, or abandonment; that no obstruction is created to firefighting and police surveillance; and no

traffic hazard is created by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs;

(5) Promote efficient transfer of information in sign message by providing that businesses and services may identify themselves; customers and other persons may locate a business or service; and persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose; and

(6) Protect the public welfare and enhance the appearance and economic value of the landscape by providing signs that do not interfere with scenic views; do not create a nuisance to persons using the public rights-of-way; do not constitute a nuisance to the occupancy of adjacent and contiguous property by their brightness, size, height, or movement; are not detrimental to land or property value; and contribute to the special character of particular areas or districts within the city, helping the observer to understand the city and orient oneself within it.

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

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

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

Sec. 46-2. - First Amendment rights.

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

Sec. 46-3. - Enforcement.

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

(b) *Right of entry.* Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the designated city staff has reasonable cause to believe that there exists in any building or upon any premises any condition which violates the provisions of this chapter, the designated city staff may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the designated city staff by this chapter. If such building or premises is occupied, the designated city staff shall first present proper credentials and request entry; and if such building or premises is unoccupied, the

designated city staff shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the designated city staff shall have recourse to every remedy provided by law to secure entry.

Sec. 46-4. - Definitions.

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

Actively being built means the project or permit has continuous construction efforts underway to complete the project. The project is considered in active if construction actively has been discontinued for over six (6) months.

Activities and events sign means an enclosed, marquee-type sign to provide public buildings the opportunity to post notices of meetings, activities, and other notices of interest to the entity it serves. The purpose of this sign is to facilitate communication within the community served by the public buildings.

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

Major Throughfare street means a street with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from minor Thoroughfares and Collector streets and to and from regional highways. As used in these regulations, the term “*Major Throughfare*” shall apply to all roads and frontage roads as designated on the Master Thoroughfare plan adopted by the city.

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

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

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

Beacon means any light with a beam directed into the atmosphere or directed at a point which is not on the same lot or tract of land as the light source, or a light with one (1) or more beams that rotate or move. Such lights, unless required by the FAA, shall be expressly prohibited.

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

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

Designated city staff means any officer or employee, or person, designated by the city to perform the duties set forth in this chapter to be performed by the designated city staff.

Canopy means a freestanding structure with a roof supported by columns but no walls.

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

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

Channel letter signs means signs that typically are illuminated by LED or neon light sources to individually illuminate sign letters and graphic images to allow sign copy or a logo to be highlighted against the background color or a building, as an alternative to a sign cabinet, to create aesthetic sign appearance and to minimize light pollution.

City of Brookshire, Brookshire or *city* means the City of Brookshire located in Waller County, Texas, an incorporated municipality and its associated extraterritorial jurisdiction.

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

Commercial means locations where the principle use of the property is not residential or multi-family.

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

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

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

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

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

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

Extraterritorial jurisdiction (ETJ) means, as defined by V.T.C.A., Local Government Code § 42.021, land not within the corporate limits of the city, but land over which the city has jurisdiction by virtue of the Texas Local Government Code.

Façade means all building wall elevations, including any vertical extension of the building wall (parapet), but not including any part of the building roof.

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

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

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

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

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

Government sign means a sign installed, maintained, or used: By a city, school district, county, state, or the federal government, required or specifically authorized for the public purpose pursuant to regulations promulgated by the state or federal government; or, by the city.

Gross surface area means the entire area within a single continuous perimeter enclosing the extreme limits of each sign. A sign having two (2) surfaces shall be considered a single sign if both the surfaces are located back to back. In the event two (2) or more signs share a single structure (i.e., directory signs, or signs on V-shaped structures) each sign or panel shall be considered separately for square footage purposes, provided that the combined area of such signs cannot exceed the total square footage allowed on a single sign.

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

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

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

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

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

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

Integrated business development means shopping centers, strip centers, or any tract of land, designed as one (1) development, on which more than one (1) business or nonresidential activity is located.

Intersection means a place where two (2) roads meet or form a junction. For purposes of this chapter, sign setback distance is measured from the intersections of the right-of-way lines (or property lines) of two (2) streets.

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

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

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

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

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

Monument sign means a freestanding sign that is detached from a building or structure and sits on the ground on a solid-appearing base with no exposed structural supports, where the frame of the sign face is set at grade with the ground as a monument.

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

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

Multi-tenant center sign means a sign advertising two (2) or more retail, wholesale, business, industrial, or professional uses (not necessarily under single ownership) utilizing common facilities including off-street parking, access, or landscaping.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

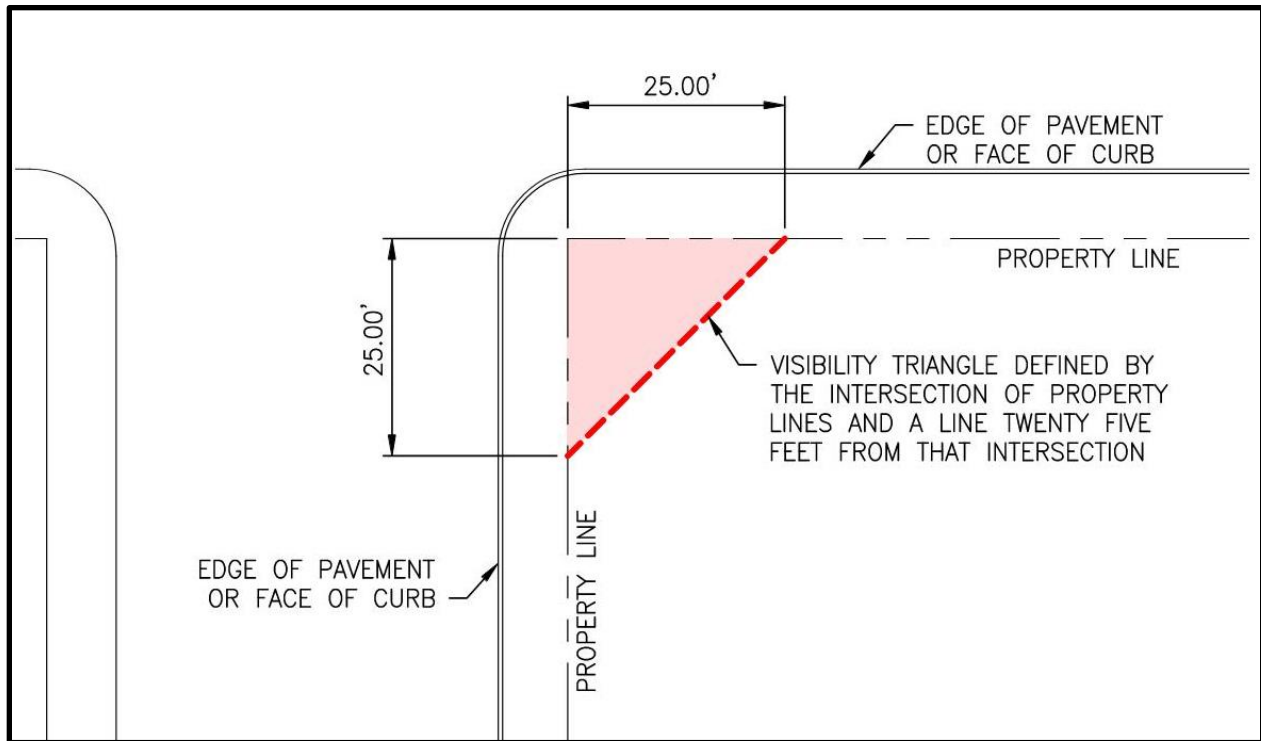
Real estate signs means temporary signs advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Residential means locations where the principal use of the property is for one (1) and two (2) family dwelling units.

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

Sight triangle means a visibility area at the intersection of streets (public or private) and driveways, to remain clear of obstructions that could impact intersection visibility. This area is defined by a forty-five-degree (45°) triangle, with right angle sides a minimum length of

twenty-five feet (25') from a point where the projected curb lines of streets or driveways would intersect. The site triangle is forty-five degrees (45°) at the intersections of arterial streets, highways and primary entrances to major developments.



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

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

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

Single (primary) tenant developments means a development with one (1) primary use, such as a retail department store. If the single, or primary tenant of the development should happen to have an accessory use or building on the same property, such as, not limited to, a gas station or car wash, the secondary use is considered to be a part of a primary use (single use) development. Should the outlot or pad site where an accessory use is located happen to be sold, such an arrangement does not entitle the pad lot to primary use signage.

Subdivision means the subdivision in its entirety, not a phase, section, village, unit, or product line.

Subdivision development entrance signs means: Primary entrance signs; Secondary entrance signs; and, Tertiary entrance signs; and are used to define various entries of the subdivision.

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

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

Variance means approval from the city council to depart from the strict application of the provisions of this chapter, as per Sec. 46-25.

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

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

Sec. 46-5. - Applicability.

(a) All land within the city and its extraterritorial jurisdiction (ETJ) is subject to compliance with this chapter.

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

Sec. 46-6. - Sign regulations.

(a) Property on which only one (1) nonresidential purpose activity is located.

(1) Each nonresidential parcel is subject to the following regulations:

a. Each parcel shall place no more than one (1) on-premises ground signs of not over thirty-two square feet (32 sqft) in area and no closer than ten feet (10') to the curblin, no higher than eight feet (8'), setting forth the address, name of owner, and the name of business, provided there shall be no more than one (1) such sign; and,

b. Each activity shall place on-premises wall signs on the building, with an allowable total sign area of one and one-half square feet (1½ sqft) for each linear foot of the building frontage facing a public street;

(2) With the exception of on-premises signs lawfully permitted or erected prior to the passage of the ordinance from which this chapter is derived, all on-premises signs and sign structures shall be contained wholly within the premises upon which they are located and shall not extend onto the public right-of-way.

(b) Integrated business developments (defined for purposes of this chapter as shopping centers, strip centers, or any tract of land on which more than one (1) business or nonresidential activity is located).

(1) Monument sign: No business shall have more than one (1) monument sign, with such sign being no more than forty-eight square feet (48 sqft) in area and no closer than ten feet (10') to the curblin, and no higher than fifteen feet (15'). No monument signs shall be permitted for integrated developments with a freestanding monument community sign.

(2) Wall signs: Wall signs are permitted for each business within the integrated business development with an allowable total sign area of one and one-half square feet (1½ sqft) for each linear foot of the building frontage facing a public street. The wall sign shall not project above the roof line and must be located on the portion of the building at the site where the goods or services are offered.

(3) Community sign: One (1) freestanding monument community sign shall be permitted for integrated developments of two (2) or more separate businesses. The total area for all freestanding community signs shall not exceed one square foot (1 sqft) for each five (5) linear feet of lot frontage up to a maximum size of one hundred square feet (1000 sqft). A community sign shall not exceed fifteen feet (15') in height. No other monument signs shall be permitted for integrated developments with a freestanding monument community sign

(4) Temporary or portable signs: Temporary or portable signs are prohibited in integrated business developments except a new tenant in an integrated business development may place a portable sign on the premises of said development for a period not to exceed the first thirty (30) days of tenant's conducting business in such development. The total area of temporary or portable signs shall not exceed thirty-two square feet (32 sqft) and a height of ten feet (10'). A permit shall be required.

(5) One (1) vendor's variable message sign, shall be permitted for integrated developments, as part of the monument sign. The maximum display surface area for each vendor's variable message sign shall not exceed twenty-five percent (25%) of the total square feet per side of the monument sign. All vendor's variable message signs shall be subject to permit fees.

Sec. 46-7. - Permit.

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

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

(c) *Exception to permit requirement.*

(1) Permits shall not be required for the following signs, provided, however, that such signs shall otherwise comply with all applicable sections of this chapter:

a. On-site real estate “for sale” signs not exceeding eight square feet (8 sqft), and a height of four feet (4’); provided that a permit is required for a model home sign and future development signs.

b. Political signs located on private property with the consent of the property owner that do not exceed thirty-six square feet (36 sqft) in area, are not more than eight feet (8’) in height, are not illuminated, and do not have any moving elements.

c. Government signs, including traffic signs, private traffic control signs, regulation address numerals, and memorial signs.

d. Construction trade signs, as per Sec. 46-18.

e. Garage sale signs, not exceeding six square feet (6 sqft), and a height of four feet (4’).

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

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

(e) *Designated city staff authority.* The designated city staff shall enforce and implement the terms of this chapter, including without limitation:

(1) Issuing permits and collecting the fees required by this chapter;

(2) Conducting appropriate inspections to insure compliance with this chapter;

(3) Instituting legal proceedings, including suits for injunctive relief when necessary, to ensure compliance with this chapter; and

(4) Investigating complaints of alleged violations of this chapter.

Sec. 46-8. - Application for permit.

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

(1) The name and address of the owner of the sign.

(2) The name and address of the owner, and if different from the owner, the person in possession of the premises where the sign is located or to be located.

(3) Clear and legible drawings with description definitely showing location of the sign which is the subject of the permit and all existing signs whose construction requires permits, when such signs are on the same premises.

(4) Scale drawings showing the site plan location, dimensions, construction supports, sizes, foundation, electrical wiring, and components, materials of the sign and method of attachment and character of structure members to which attachment is to be made. The design, quality, materials, and loading shall conform to the requirements of the building code. Projection, wall, and temporary signs not over six square feet (6 sqft) in area, constructed of metal or other noncombustible material, attached securely to a building or structure and not projecting more than eighteen inches (18") beyond the building wall, structure, building line, or property line, shall not require an engineer certification as to its soundness. Wind pressure and dead loads shall be shown where deemed appropriate, and the designated city staff may require structural drawings designed and sealed by a civil engineer registered by the state when it cannot otherwise be determined that the sign will be structurally sound. If designated by city staff, engineering data certified by a licensed structural engineer shall be supplied on any submitted plans.

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

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

(7) For freestanding signs, documentation demonstrating that the applicant holds general liability insurance. No license or permit for the installation, erection, and maintenance of a freestanding sign shall be issued to any person, firm, or corporation until such person, firm, or corporation has filed with the designated city staff a certificate of insurance verifying general liability insurance.

(8) The permit fee.

(b) Fees for sign permits shall be as specified by the city fee schedule.

(c) Expiration of sign permits.

(1) A sign permit shall expire and become void unless a request for final inspection of the sign is made no later than ninety (90) days after the date the permit is issued.

(2) An extension of an expired permit may be granted at the discretion of the designated city staff.

Sec. 46-9. - Calculation of sign area.

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

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

(2) Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangles that will enclose each word and each graphic in the total sign.

(3) Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy. Such elements may include, but are not limited to lit canopy fascia signs, cabinet signs, or interior lit awnings. Support structures and frames of a freestanding monument sign shall count toward the sign area.

(4) Multi-face signs are measured as follows:

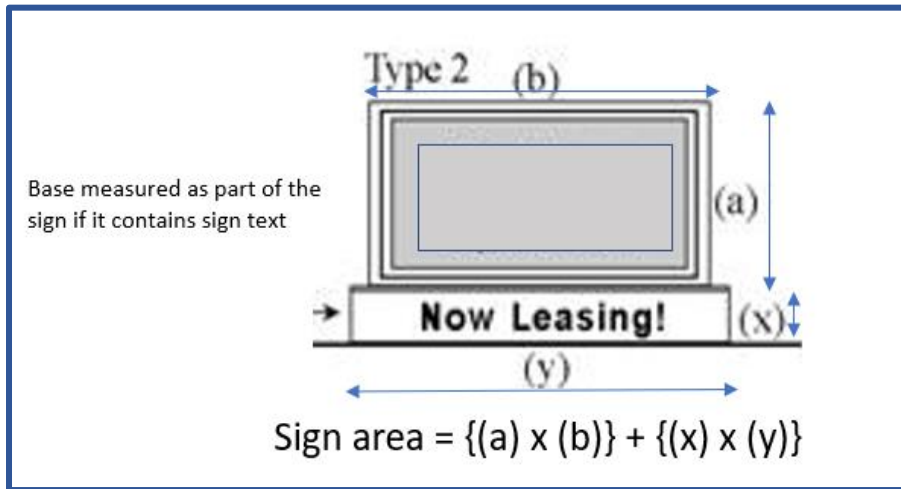
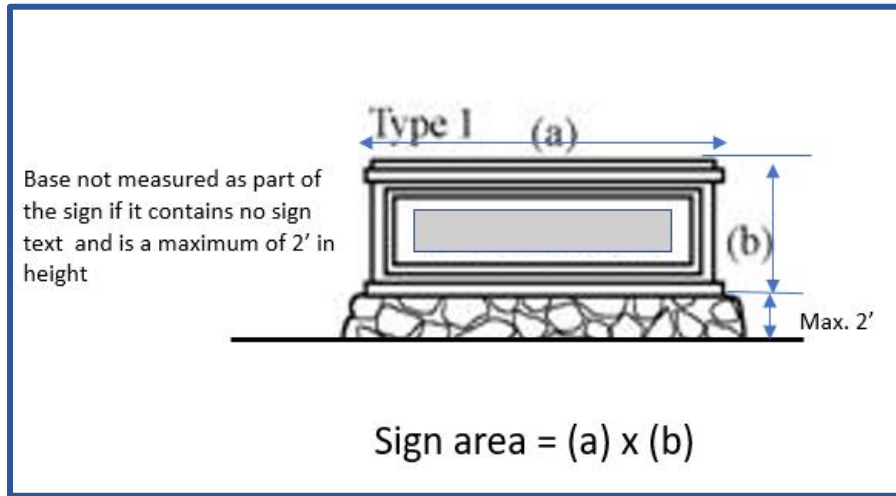
a. Two (2) face signs: If the interior angle between the two (2) sign faces is thirty degrees (30°) or less, the sign area is of one (1) sign face only. If the angle between the two (2) sign faces is greater than thirty degrees (30°), the sign area is the sum of the areas of the two (2) sign faces.

b. Three (3) or four (4) face signs: The sign area is fifty percent (50%) of the sum of the areas of all sign faces.

(5) Spherical, free-form, sculptural, or other nonplanar sign area is fifty percent (50%) of the sum of the areas using only the four (4) vertical sides of the smallest four (4) sided polyhedron that will encompass the sign structure. Signs with greater than four (4) faces are prohibited.

(6) Freestanding sign area is the entire advertising area of a sign, including framing, trim, or molding, and the supporting frame for monument signs and including the air space between the supporting structures for freestanding signs.

Figure 1: Sign area calculations



(b) *Sign height measurement.* Sign height is measured as follows:

(1) *Freestanding signs.* The height of a freestanding sign shall be computed as the distance from the base of the sign at finished grade to the top of the highest attached component of the sign. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height. If a sign is located on a mound, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign.

(2) *Building-mounted signs.* The height of wall, fascia, mansard, parapet or other building-mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure.

Sec. 46-10. - Prohibited signs and prohibited actions.

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

- (1) Signs with flashing lights, revolving beacon lights, fluttering, undulating, swinging, or otherwise moving (motion) parts. For purposes of this chapter, an electronically controlled changeable copy sign is not considered a flashing sign unless it directly falls under the definition of “flashing” as defined in section 46-4.
- (2) Billboards, including digital billboards; unless otherwise authorized by section 46-12(1) of this chapter.
- (3) Off-premises signs, and any other sign specifically authorized in this chapter that are not compliant with this chapter.
- (4) Portable signs; including, but not limited to A-frame signs, signs on wheels, signs not permanently mounted or fixed to a permanent location, such as a light fixture, and banners, pennants, and streamers, or any fabric or material designed to blow or float in the wind to attract attention to a business. This definition does not regulate official flags or road construction signs.
- (5) Temporary signs except as specified in section 46-18.
- (6) Signs placed on a vehicle or trailer that is parked or located for the primary purpose of displaying a sign shall be permitted.
- (7) Signs painted on fences or roofs.
- (8) Inflatable signs.
- (9) Signs, objects, or structures that obstruct or diminish the sight triangle.
- (10) Light emitting diode (LED) graphic displays or message signs, with the limited exception of those LED signs that comply with the LED requirement in section 46-20(e). Such signs, when authorized, shall comply fully with the requirements of this chapter. Electronic message signs are allowed only as an accessory element of a sign and shall not exceed twenty-five percent (25%) of the sign area. Messages shall be programmed to remain static for a period of not less than eight (8) seconds and shall not be programmed to flash, move, or scroll. Message and image changes shall dissolve, or fade into a subsequent message or image.
- (11) Sign copy on outdoor street furniture, bus stops, public facilities, or outdoor mechanical equipment, such as a back-flow preventer, communication antenna, or similar appurtenances.
- (12) Parked motor vehicles or trailers shall not be parked or stored in manner to display an advertising message.
- (13) Pole signs

Sec. 46-11. - Signs exempt from these regulations (permits not required).

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

- (1) Any sign erected by or under the authority of the city on property owned by the city.
- (2) Street identification signs, public notices, and warning signs installed by any city, county, state, or federal agency.
- (3) Historical markers or plaques placed by a city, county, state, or national historical preservation organization.
- (4) Signs located on-premises or inside a building and which are not displayed so as to be legible from a public street, including, but not limited to, such signs as credit card decals, hours of operation signs, emergency contact information, and barber poles.
- (5) On-site traffic control signs on commercial properties, such as stop, yield, and similar traffic control signs containing no commercial message.
- (6) “No parking” or “towing” signs authorized by the city.
- (7) Underground utility warning signs not exceeding one square foot (1 sqft) in size and similar safety signs.
- (8) Signs on railway property, which references the operation of such railway.
- (9) Flags, emblems, and insignia of any governmental body, including the official flag of a nation or of a state are not a sign subject to this chapter. Notwithstanding the preceding sentence, a flag shall not be installed, maintained, or used in a manner that would make that flag a hazardous sign if it were a commercial flag.
- (10) Corporate flags displayed on a freestanding pole, which do not exceed thirty-five feet (35’) in height. The flag shall not exceed thirty square feet (30 sqft) in area. The flagpole shall be setback a minimum of twenty feet (20’) from the front property line and eight feet (8’) from the side property line. For residential developments, corporate flags are limited to six (6), not to exceed a height of twenty-five feet (25’).
- (11) Hand-held signs or signs, symbols, or displays on persons or animals, except for signs that qualify as human signs.

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

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

(14) Signs depicting a single or multi-family residential real property for sale, lease, or rent, or the location of an office for a multi-family projects. No more than one (1) sign on the property for sale, lease, or rent, except for a corner lot property which may have one (1) sign on each street front. These signs are also subject to the requirements of section 46-18.

(15) Signs depicting residential real property for sale within a subdivision, placed at the entrances of such subdivision, which are erected by the owner of the subdivision, not to exceed forty-eight square feet (48 sqft) in area and a height of six feet (6').

(16) Signs depicting commercial real property for sale, lease, or rent, not to exceed forty-eight square feet (48 sqft) in area and a height of six feet (6').

(17) Event signs, on-site. On-site event signs may not exceed an area of eight square feet (8 sqft) at a residence or sixteen square feet (16 sqft) at any other location. These signs are also subject to the requirements of section 46-18.

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

b. For all other uses: Such signs may be erected thirty (30) days prior to the event and must be removed within two (2) days after the event. There shall be no more than two (2) on-site event signs for any event.

(18) Signs denoting future development or construction signs that depict the name of the project or the architect, engineer, contractor, or broker, or other construction sign that is placed on the premises where construction, repair, or renovation is in progress, as per Sec 46-18.

(19) Signs installed either on-premises or off-premises used by the city or the Brookshire Economic Development Corporation to promote the community and economic development of the city. The signs will include general information promoting the community and will not specify any specific business name for advertisement purposes,

even if the business had assisted in the acquisition, purchasing, construction, installation, development, etc., of the sign.

Sec. 46-12. - General provisions.

(a) *Uniform signs in multi-tenant/multi-business developments.* Wall signs displayed by two (2) or more businesses using common parking facilities shall be uniform in construction (i.e., cabinets, channel letters, plaques) and lighting (i.e., direct, indirect).

(b) *Street address.* All freestanding signs, either berm or monument signs, shall include the street address. The street address shall not be included in the calculation of the sign area, except in such case that the street address is also the name of the center, business, or development, or in such case that the street address exceeds six square feet (6 sqft) in size.

(c) *Setback.* There shall be a minimum setback of ten feet (10') for any portion of the sign from any property line, provided that the sign is not located within a clear sight triangle area and that no portion of a sign crosses over a property line or into a public right-of-way.

(d) *Visibility.* Signs shall not be constructed or installed in a manner that would interfere with visibility, create a traffic hazard, or be confused with any traffic control sign or signal.

(e) *Structural integrity.* Any sign as defined in this chapter, shall be designed and constructed to withstand wind pressures and receive dead loads as required in the building code adopted by the city. Any sign, other than a wall sign, shall be designed, installed, and maintained so that it will comply with the requirements of the structural codes of the city, as amended.

(f) *Maximum height.* No sign shall exceed the maximum height provided for in this chapter. In determining the maximum height of a sign, the natural grade of the site shall be used as the base elevation. An exception to this requirement may be considered in those instances where earth work is completed to cut or fill the slope of the site to a height that is greater than the natural site grade. In those cases, the average of the area in the vicinity of the sign shall be used as the base grade. In no case shall a sign be located on a mound where the surrounding grade has been altered by more than eighteen inches (18") for purposes of artificially increasing the overall height of a sign above that allowed by the height regulations in this chapter.

(g) *Public utility facilities.* New signs and signs being structurally altered shall maintain clearance from public utility facilities, shall not substantially interfere with drainage, and shall not be located in a utility or drainage easement. The minimum clearance from electrical lines shall be determined by the affected utility provider. At a minimum, the following minimum clearances from electrical lines shall be followed: for service lines, except those serving a sign, five and one-half feet (5½') horizontal and six feet (6') vertical clearance; for distribution lines, seven and one-half feet (7½') horizontal and eight feet (8') vertical clearance.

(h) *Parking, driveways, sidewalks.* Only signs required in the interest of public safety may occupy a required off-street parking or loading space or obstruct any driveway or sidewalk, except as specifically authorized herein.

(i) *Incidental signs not regulated.* It is not the purpose of these regulations to regulate area or placement of any incidental sign required for the functionality of the use of the site. Example of such signs include, but are not limited to, menu signs, directory signs designed for pedestrian traffic, private (non-public) traffic signs, any building or site sign that does contain advertising copy and serves no advertising purpose, street name and address information, or signs that identify different building or suite numbers and contain no advertising content. Such signs shall not to exceed three square feet (3 sqft) in area and a height of four feet (4’).

(j) *Public property.*

(1) No sign shall be located on or project over public property or a street right-of-way except governmental signs and temporary banner signs that comply with this chapter, except where a provision in this chapter allows such location, or with the approval by the city council of a license agreement. No portion of a freestanding sign shall be permitted to be located closer to two feet (2’) from the public right-of-way.

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

(k) *Sign height measurement for severe slopes and uneven terrain.* When a sign is placed on uneven terrain, the base height shall be measured from the point where the sign base reaches the average ground level and not from the bottom of any wall that raises a portion of the sign up to ground level.

(l) *Billboards.* No billboard is allowed within the city limits or the ETJ unless such billboard complies with this subsection.

(1) A billboard that is, or is proposed to be, within the right-of-way of Interstate Highway 10 in the city limits or in the ETJ, and that has satisfied all State of Texas requirements for billboards as administered by the Texas Department of Transportation (TxDOT), shall be eligible for a sign permit by the city.

(2) A billboard that is within the right-of-way of Interstate Highway 10 or within one hundred feet (100’) of the centerline of 10th Street as of the effective date of this subsection shall be allowed to be continued and maintained at its existing location subject to the limitations of section 46-21 of this chapter.

(3) Any proposed alteration, repair, replacement, relocation, or any such change to any billboard within the Interstate 10 right-of-way or within one hundred feet (100’) of the centerline of 10th Street is prohibited without a permit issued by the city showing that the proposed alteration, repair, replacement, relocation, or change is in conformity with this subsection.

(4) Where a conflict exists between this Code and State of Texas requirements for billboards as administered by TxDOT, the State of Texas requirements shall govern.

Sec. 46-13. - Illumination.

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

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

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

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

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

(f) *Proximity to residential uses.* Internally lit signs for any nonresidential use shall not emit light that exceeds one-tenth ($\frac{1}{10}$) foot-candles of light at the property line of any single-family residential property and five-tenths ($\frac{5}{10}$) foot-candles from all other residential property.

(g) *Compliance with LED/light projection technologies.* Signs, when illuminated, shall comply with the LED requirement of section 46-20(e) if LED lights are used. It is the policy of these regulations to place a preference on internally lit signs that utilize back lit and channel light technologies that are externally lit. When internally lit cabinet signs are utilized, the background color of the sign face must be as dark as possible to minimize the amount of light projected from the sign face and to simulate an individual back lit style sign and to minimize the amount of light projected from the sign face.

Sec. 46-14. - Single-family residential sign category.

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

(b) *Model home signs.* Model home signs are limited to a twenty-four square foot (24 sqft) sign face, a height of six feet (6'), and to one (1) sign for each cluster of model homes. A nameplate sign that identifies the individual product name is exempt under this subsection if it does not exceed three square feet (3 sqft) in sign area. Signs shall be placed by permit only, and no fee shall be required.

(c) *Subdivision development entrance signs.* A subdivision development entrance sign is a sign authorized for each major project entry into a legal recorded, multi-lot, multi-sectioned, master-planned subdivision, and contains only the name of the subdivision and a logo, but no other sign copy. Subdivision entrance signs must be decorative monument signs constructed of stone, brick, or other maintenance free material comparable to the design of the development that the signs identify. The design and construction must be compatible with surrounding development. Signage may appear on both sides of the entrance roadway within the recorded or master-planned subdivision and will be soldered as one (1) sign. The maximum allowable sign face size limitations will apply separately to each side of the street, where applicable. Lighting shall be ground lighting, back lighting, or lights attached to the top or bottom of the sign focused toward the sign copy. There are three (3) types of subdivision development entrance signs: primary, secondary, and tertiary. The use of berm or monument style signs shall be required for all of the below sign types. All signs shall be located outside of the sight triangle, as defined in this chapter. Subdivision entrance signs shall be located on dedicated easements that do not conflict with other utility easements, and such easements shall be shown on the recorded plat.

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

a. The maximum sign area of sign copy, including any logo, shall be sixty-four square feet (64 sqft). If the sign copy is incorporated into a landscape feature, decorative wall, or architectural feature, the size of the sign face is determined by the area of the smallest rectangle within which the face of the sign can be enclosed. Sign height shall be limited to six feet (6’).

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

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

(3) Tertiary entrance signs are located at the entryway into sections within the subdivision and are permitted only in subdivisions that exceed fifty (50) acres to identify various sections within the subdivision and various amenity areas in the subdivision, such as parks and clubhouses. These signs shall be decorative and shall be limited to a height of four feet (4’) and an area not to exceed ten square feet (10 sqft).

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

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



Figure 2: Examples of a Subdivision Entrance Sign

Sec. 46-15. - Multi-family residential sign category.

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

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

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

(2) The maximum size of the sign, including any logo, shall be seventy square feet (70 sqft). If the sign copy is incorporated into a landscape feature, decorative wall, or architectural feature, the size of the sign face is determined by the area of the smallest rectangle within which the face of the sign can be enclosed. The maximum height of the sign shall be six feet (6').

(3) If the development has a second entrance, a secondary entrance sign is permitted directed to that street. Secondary entrance signs in are limited to thirty-five square feet (35 sqft), and a height of four feet (4').

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

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

(e) Institutional use sign standards. Institutional uses such as churches, fire stations, and schools located in multi-family residential neighborhoods shall be subject to all requirements stipulated above for primary multi-family residential entrance signs. LED signage shall be permitted subject to all of the LED sign requirements of section 46-20(e), and the limitation of such signage to the lesser of twenty percent (20%) of the sign face or twenty-six square feet (26 sqft).

(f) Light intensity (proximity to residential uses). The intensity of light emitted from signs is subject to the light intensity limitations specified in section 46-13.

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



Figure 3: Example of a Multi-family residential sign

Sec. 46-16. - Elevated sections of Interstate 10 (sign height relief).

In certain instances, the visibility of a freestanding sign proposed to be oriented toward Interstate 10 (“I-10”) could be limited by the elevated section of I-10. In those instances, an applicant may seek a variance from the City Council as per Sec. 46-25, from the height

restrictions of these requirements. To consider any request for relief, an applicant must provide the city with a cross section profile showing the elevated highway road base elevations, the elevation of the site, a spot elevation where the sign is proposed, and the proposed signage relative to the highway elevations. The distances between the proposed sign and the driving lanes shall also be provided. From that data, the applicant will develop a “line-of-sight” profile demonstrating the amount of additional sign height required to ensure sign visibility and establish a “minimum height of line” necessary to ensure sign visibility to east and west bound I-10 traffic. In considering such a variance, preference will be given to signs that employ back lighting or channel letter techniques. The use of sign cabinets is prohibited unless they are designed in a manner that appears to convey the appearance of individual letter signs with extremely subdued background cabinet colors. The applicant must clearly demonstrate that the sign copy or logo will be installed to the lowest height as necessary to ensure that the line-of-sight to the sign is just above the I-10 east/west bound highway grades.

Sec. 46-17. - Miscellaneous attached sign regulations.

(a) *Awning signs.*

(1) The purpose of an awning sign is to provide an advertising message on the facade of a building. Awning signs shall be regulated as if it were a wall sign and shall be subject to the wall sign area limitations. If the entire awning, including sign copy and logos are illuminated, the entire awning is considered to be a sign. If only the sign copy or logo is back lit, only the sign copy and logo will be calculated as a sign.

(2) The sign area on an awning shall not exceed twenty percent (20%) of the area of the awning. Awning sign area shall be determined by measurement of just the sign copy or business logo on the awning.

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

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

(1) *Number of signs.* One (1) projecting sign shall be allowed for each single tenant building or for each tenant in a multi-occupancy structure. However, no tenant storefront shall have a projecting sign in combination with a wall sign on the same building elevation.

(2) *Horizontal projection.* A projecting sign shall not project more than four feet (4') from any wall facing and shall not be located in a public right-of-way, without the consent of the city council, and shall not be elevated above the apparent roof line of the building.

(3) *Clearance.* Every projecting sign shall be a minimum of eight feet (8') above the grade over a walking area or fourteen feet (14') over a vehicular maneuvering area. Projection signs shall not project over any property line or right-of-way line unless with an approved license agreement.

(4) *Lighting.* A projecting sign may be illuminated.

(d) *Light-mounted banner signs.* Light-mounted banner signs within public rights-of-way shall be permitted, upon approval by the City Council, along major gateway highways and other prominent streets that pass through the community to advertise community events, seasonal and historic themes, or other such civic purposes. Signs of this nature shall also be permitted in commercial complex centers and industrial parks and other mixed-use developments to create a "brand image" for that development upon approval by the City Council. Such banners must be approved by the appropriate electric utility company. Light-mounted banner signs shall comply with the following regulations:

(1) Banners shall be limited to not more than one (1) banner on any light pole.

(2) Banners shall be limited to no more than two feet (2') by six feet (6') in exterior dimension and twelve square feet (12 sqft) in area per banner.

(3) A minimum height of six feet (6') as measured from adjacent grade to the bottom of the banner shall apply.

(4) Banners shall be maintained in good repair. Should they become excessively faded, tattered, or torn, they shall be replaced or removed.

(5) Banners shall not be illuminated, except for indirect lighting associated with the main lamp of the light pole to which it is mounted.



Examples of Canopy, Projecting, and Light-mounted Banner Signs

Sec. 46-18. - Temporary sign regulations.

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

(1) The maximum area, height, spacing, and setbacks of a construction trades sign for commercial or industrial locations shall not exceed sixty-four square feet (64 sqft) and shall not exceed ten feet (10') in height.

(2) The maximum area, height, spacing, and setbacks of a construction trades sign for residential locations shall not exceed eight square feet (8 sqft) and shall not exceed four feet (4') in height.

(3) Construction trades signs shall not be erected until a building permit has been submitted for building construction and shall be removed upon completion of the construction project or occupancy of the structure, whichever is applicable.

(4) No permit or fee shall be required for a construction trades sign.

(5) Signs shall not be located in the street right-of-way, shall be placed at least twenty-five feet (25') from an intersection, and have a minimum setback of ten feet (10') from the property line.

(6) A construction trades sign shall not be illuminated.

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

(1) The maximum area, height, spacing, and setbacks of a future development sign shall not exceed sixty-four square feet (64 sqft) and shall not exceed ten feet (10') in height.

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

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

(4) A future development sign shall be removed when the project is ninety percent (90%) complete or within three (3) years from start of construction, whichever is fewer. For the purpose of this section, a subdivision shall be deemed ninety percent (90%) complete when ninety percent (90%) of the lots within the subdivision are sold.

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

(6) One (1) sign shall be permitted per lot; except that one (1) sign per major access to the development shall be authorized if a lot is used together with one (1) or more contiguous lots for a single use or a unified development (for example, a shopping center).

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

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

(2) The maximum area and height of a commercial real estate sign shall not exceed sixty-four square feet (64 sqft) and shall not exceed ten feet (10') in height.

(3) Commercial real estate signs shall be removed within seven (7) days following the completion of the sale, rental, or lease of the premises.

(4) No more than one (1) sign per three hundred (300) linear feet of street frontage may be placed on such property.

(5) Signs shall be placed at least twenty-five feet (25') from an intersection and a minimum of ten feet (10') setback from the property line.

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

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

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

(2) The maximum area and height of a residential real estate sign shall not exceed twelve square feet (12 sqft) and shall not exceed six feet (6') in height.

(3) All signs shall be removed within seven (7) days following the completion of the sale, rental, or lease of the premises.

(4) Signs shall be placed at least twenty-five feet (25') from an intersection and a minimum of ten feet (10') setback from the property line.

(5) No permit or permit fee shall be required for a residential real estate sign.

(e) *Miscellaneous temporary sign regulations.*

(1) Temporary signs advertising the opening or relocation of a business shall only be permitted for a maximum period of thirty (30) days before and sixty (60) days after such opening or relocation. Signs shall be placed at least twenty-five feet (25') from an intersection and a minimum of ten feet (10') setback from the property line.

(2) Except as specifically provided otherwise in this chapter, banners shall not exceed thirty-two square feet (32 sqft), must be attached and parallel to a wall of the structure, and shall only be permitted for a period not to exceed thirty (30) calendar days and with a period of not less than thirty (30) days between displays.

(3) Human signs shall be allowed on private property and the untraveled public rights-of-way provided that no human sign, as defined by this chapter, shall be displayed within a vehicular traffic lane.

(4) Open house signs do not require a permit, shall not exceed four square feet (4 sqft), and shall be allowed for a maximum of four (4) hours the day of the open house. Open house signs shall be placed at least twenty-five feet (25') from an intersection and a minimum of ten feet (10') setback from the property line. Open house signs shall not be placed anywhere in the center median of a public or private street.

Sec. 46-19. - Flagpoles and commercial flags.

The national or state flag and the flagpoles for the express purpose of displaying the national or state flag are exempt from this section. The purpose of this regulation is to restrict the number and height of permanently mounted corporate flags advertising a business. One (1) flagpole shall be allowed per development at a maximum height of twenty feet (20') in nonresidential and multi-family residential sign districts and in conformance with the requirements of Sec. 46-11. Such flags may only display corporate colors or the logo of the business or development.

Sec. 46-20. - Incidental sign regulations.

(a) *Government sign.* Government signs are permitted subject to all laws and regulations that apply.

(b) *Memorial sign.* Memorial signs may be installed in accordance with state historical standards, or as building cornerstones not to exceed eight square feet (8 sqft).

(c) *Private traffic control signs.* Private traffic control signs are not allowed for single-family residential or duplex uses but are otherwise permitted. Signs shall not exceed four square feet (4 sqft) in size, and may contain directions and the name or logo of the same-site user.

(d) *Window signs.* Window signs may be placed so as not to obscure more than twenty-five percent (25%) of the visible window area. Where multiple windows exist, fronting on the single elevation, seventy-five percent (75%) visibility shall be maintained for the total window area on said elevation.

(e) *LED sign regulations.* LED signs, where permitted by this chapter, shall be subject to the following additional requirements:

(1) The sign shall contain no motion, twirling, rotation, spinning, continuous scrolling, or any other like form of motion or action. Images and text shall dissolve from one (1) message or image to the next image or text.

(2) Digital signage is limited to non-animated images and each image must be displayed or dwell for a minimum of eight (8) seconds.

(3) During the daytime, based on normal daylight illumination, a maximum limit of five thousand (5,000) nits is permitted to keep luminous signage balanced with the surrounding landscape. During nighttime hours, a maximum luminosity is limited to one hundred fifty (150) nits.

(4) If the nighttime luminance setting and limit is based on the sign in question being set to display full white, full brightness field, a limit as high as two hundred (200) nits for this method of calibration and testing is suitable.

(5) Incremental luminance limits between the nighttime limit and the full sunlight limit may also be specified for overcast or foggy days, or for dusk; or regulations may require an automatic control of sign luminance based on the ambient lighting condition, to throttle the sign luminance between the sunny-day and night maximums.

(6) Surface luminosity measurements should be made directly with a calibrated luminosity meter, following the instrument manufacturer's instructions. Readings should be taken from the area (generally of roadway) where the sign in question will be visible from, and which is closest to being directly in front of the sign (where the luminosity output is most focused).

Sec. 46-21. - Nonconforming signs.

(a) By adopting these regulations, as may be amended from time to time, no existing illegal sign shall be deemed to have been legalized unless such sign complies with all current standards under the terms of this chapter and all other applicable chapters and codes of the city. Any sign which does not conform to all provisions of this chapter but which existed on the effective date of the ordinance from which this chapter is derived and was lawfully constructed

or installed shall be considered as a nonconforming sign. All nonconforming signs shall be permitted in the same manner as any other legally existing sign or proposed sign; provided that no sign that was constructed or installed in violation of any state or local law, or that was originally constructed or installed without a permit that was then required at such time, shall be or qualify as a nonconforming sign.

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

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

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

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

(2) The designated city staff or his designee determines the sign to be obsolete or substandard under any applicable chapters of the city to the extent that the sign becomes a hazard or dangerous.

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

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

Sec. 46-22. - Hazardous signs.

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

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

(2) Interferes with a ventilation opening, except that a sign may cover a transom window if otherwise in compliance with the building code and fire code.

(3) Substantially obstructs the lighting of public right-of-way or other public property, or interferes with a public utility or traffic control device.

(4) Contains or utilizes a supporting device placed on public right-of-way or other public area within the city limits and the extraterritorial jurisdiction of the city, unless the use of the public rights-of-way or other public area has been approved by the city and a right-of-way joint use agreement has been filed.

(5) Is illuminated in such a way as to create a hazard to pedestrian, bicycle, or vehicular traffic.

(6) Creates a traffic hazard for pedestrians, bicyclists, or motorists, by restricting visibility at a curb cut or adjoining public street.

(7) Has less than nine feet (9') of clearance above street pavement grade or has less than twelve feet (12') of clearance above a driveway, or is located outside the public right-of-way and within the visibility triangle at an intersection that results in impaired sight distance of users of the intersection.

(8) Violates a requirement of the building and electrical codes adopted by the city.

(9) Is determined by the designated city staff to be dangerous.

Sec. 46-23. - Abatement of sign violations and removal of unsafe signs.

(a) Any sign that is structurally unsafe or that constitutes a hazard to the health, safety, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, abandonment, or other cause is hereby declared to be a public nuisance and shall be abated by demolition or removal.

(b) Should the designated city staff determine that any sign is not properly maintained, is unsafe, unsecured, or has otherwise been constructed, erected, or maintained in violation of the provisions of this chapter, the designated city staff shall take action as follows:

(1) Except as provided in subsections (b)(2) and (3) of this section, the designated city staff shall give the sign or property owner written notice to repair, remove, or obtain a permit for such sign as applicable within ten (10) days after such notice. If the sign or property owner fails to remove, repair, or obtain a permit for such sign so as to comply with all applicable standards and regulations, the designated city staff shall cause the sign to be either removed or repaired and such cost shall be charged to and paid by the property owner. If such demolition or repair expenses are not paid by the property owner within thirty (30) days of such billing, then such expenses shall constitute a valid lien against the property. Such notice shall also provide the sign or property owner an opportunity to bring the sign into compliance or to request a hearing before the city council to determine whether the sign should be repaired or removed. Such appeal must be filed in writing with

the city secretary within ten (10) days of the notice. After consideration of all facts, the city council shall rule upon the appeal.

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

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

(c) In addition to subsection (b) of this section, the designated city staff may issue citations without giving prior notice of violation or pursue any other administrative or legal remedy in order to abate any sign which is in violation of this chapter or any other law.

Sec. 46-24. - Repairs and maintenance.

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

Sec. 46-25. - Variances and appeals.

(a) *Application and fee required.* Any person, business, or other organization desiring to continue in use, locate, construct, or otherwise place any sign which does not conform to the provisions of this chapter may make application to the city council for a variance to continue to use, locate, construct, or otherwise place such a sign. Any person, business, or other organization desiring to appeal the decision of the designated city staff in the administration of this chapter may make an application to the city council appealing that decision. An application for a variance or an appeal shall be filed with the city secretary, accompanied by the appropriate fee established by city council and by a drawing or sketch in sufficient detail to determine the location and type of construction for the proposed sign.

(b) *Standards for granting approval.* The city council may grant approval of a variance or appeal only if affirmative findings, reflected in the minutes of the city council's proceedings, affirm the presence of any combination of the following factors:

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

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

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

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

(c) *Conditions of variances or appeals.* The city council may impose such conditions or requirements in a variance or appeal as necessary to protect the overall character of the community and to achieve the fundamental purposes of this chapter. A violation of such conditions or requirements shall constitute a violation of this chapter. A variance or appeal, if granted, shall be for a specific event, use or other application of business and shall not continue with the property. If a variance or appeal is granted and the sign so authorized is not substantially under construction within six (6) months of the date of approval of the variance or appeal, the variance or appeal shall lapse and become of no force or effect.

(d) *Vote required.* A concurring vote of a majority of the city council members shall be necessary to approve any variance or appeal from this chapter.

(e) *Time limitation on order permitting erection of sign.* Variances or appeals from these requirements shall be valid for a period of six (6) months unless a sign permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Sec. 46-26. - Penalty.

(a) Any individual, association, corporation, or legal entity violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13.

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

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

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

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

(f) Removal.

(1) In addition to remedies otherwise provided in this chapter, whenever the city has evidence of a sign which after the effective date of the ordinance from which this chapter is derived was constructed, reconstructed, placed, installed, repaired, maintained, relocated, altered, or used in violation hereof, or is otherwise in violation hereof, the designated city staff shall require the party responsible for such sign to remove it. If the responsible party fails to remove the sign within seventy-two (72) hours after being notified to do so or if it appears to the designated city staff that the sign poses an immediate danger to the public, then such sign may be removed by the city and the city's actual cost of removal shall be charged to the responsible party. Any sign so removed shall be impounded and shall not be returned to the party responsible until all applicable charges are paid. If any sign remains unclaimed for a period of more than thirty (30) days, the city may destroy, sell, or otherwise dispose of the sign.

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

(3) The city shall not be held liable for damage to said signs during the removal or storage of the signs by the city.

Sec. 46-27. - Relationship to other chapters.

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

SECTION 2. THAT a violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed two thousand dollars (\$2,000.00) as provided in Article 1-13 of the Code of Ordinances, City of Brookshire, Texas.

SECTION 3. THAT should any paragraph, section, sentence, phrase, clause, or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 4. THAT the City Secretary of the City of Brookshire is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as may be required by law.

SECTION 5. THAT this Ordinance shall become effective, except as may otherwise be provided herein, from and after its publication as provided by law.

PASSED, APPROVED, AND ORDAINED this _____ day of _____, 2022.

FOR THE CITY:

ATTEST:

DARRELL BRANCH, MAYOR

NAME [SIGNATURE]

NAME [PRINTED]

EXHIBIT A – REDLINED VERSION OF CHANGES TO CHAPTER 46

Chapter 46 - SIGNS

Sec. 46-1. - Purpose and goals.

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

- (c) The goals of this chapter are to preserve the integrity of our community, promote pride in our neighborhoods, promote safe egress/ingress on public roadways, and encourage the effectiveness of signs.
- (d) In the event of conflicts, actual or perceived, in the terms or requirements of this chapter, the most restrictive interpretation shall apply.

(Ord. No. 17-626-13, § 2(A-1), 3-16-2017)

Sec. 46-2. - First Amendment rights.

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

(Ord. No. 17-626-13, § 2(A-2), 3-16-2017)

Sec. 46-3. - Enforcement.

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

(Ord. No. 17-626-13, § 2(A-3), 3-16-2017)

Sec. 46-4. - Definitions.

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

Actively being built means the project or permit has continuous construction efforts underway to complete the project. The project is considered in active if construction actively has been discontinued for over six months.

Activities and events sign means an enclosed, marquee-type sign to provide public buildings the opportunity to post notices of meetings, activities, and other notices of interest to the entity it serves. The purpose of this sign is to facilitate communication within the community served by the public buildings.

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

~~Major Throughfare Arterial~~ street means a street with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from minor arterial-Thoroughfares and collector-Collector streets and to and from regional highways. As used in these regulation, the term "Major Throughfare arterial" shall apply to all roads and frontage roads regulated by the state department of transportation as designated on the Master Thoroughfare plan adopted by the city.

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

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

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

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

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

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

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

~~*Code enforcement officer*~~*Designated city staff* means any officer or employee, or person, designated by the city to perform the duties set forth in this chapter to be performed by the ~~code enforcement officer~~*designated city staff*.

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

Canopy means a freestanding structure with a roof supported by columns but not walls.

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

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

Channel letter signs means signs that typically are illuminated by LED or neon light sources to individually illuminate sign letters and graphic images to allow sign copy or a logo to be highlighted against the background color or a building, as an alternative to a sign cabinet, to create aesthetic sign appearance and to minimize light pollution.

Formatted: Highlight

City of Brookshire, Brookshire or city means the City of Brookshire located in, Waller County, Texas, an incorporated municipality and its associated extraterritorial jurisdiction.

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

Commercial means locations where the principle use of the property is not residential or multi-family.

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

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

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

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

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

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

Extraterritorial jurisdiction (ETJ) means, as defined by V.T.C.A., Local Government Code § 42.021, land not within the corporate limits of the city, but land over which the city has jurisdiction by virtue of the Texas Local Government Code.

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

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

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

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

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

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

Government sign means a sign installed, maintained, or used:

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

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

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

Human sign means a sign held by or attached to a human for the purpose of advertising or providing information about a business, commodity, service, product, or other commercial activity. A person dressed in a costume for the

purpose of advertising or providing information about a business, commodity, service, product, or other commercial activity shall constitute a human sign. Human signs do not include T-shirts, hats, or other similar clothing.

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

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

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

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

Integrated business development means shopping centers, strip centers, or any tract of land designed as one development, on which more than one business or nonresidential activity is located.

Intersection means a place where two roads meet or form a junction. For purposes of this chapter, sign setback distance is measured from the intersections of the curb lines, right-of-way lines (or property lines) of two streets.

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

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

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

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

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

Monument sign means a freestanding sign that is detached from a building or structure and sits on the ground on a solid-appearing base with no exposed structural supports, where the frame of the sign face is set at grade with the ground as a monument. Monument sign means a sign which is either mounted on a base, or as self-supporting structure with a faux base, at least as wide as the sign.

Multi-family residential means locations that contain three or more attached units designed for residential use including town homes and condominiums.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

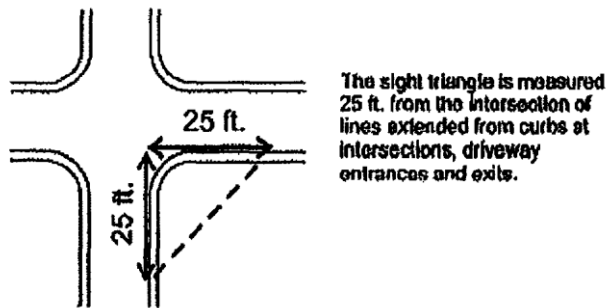
Sight triangle means a visibility area at the intersection of streets (public or private) and driveways, to remain clear of obstructions that could impact

intersection visibility. This area is defined by a 45-degree triangle, with right angle sides a minimum length of 25 feet from a point where the projected curb lines of streets or driveways would intersect. The site triangle is 45-degree at the intersections of arterial streets, highways and primary entrances to major developments.

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

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

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



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

Subdivision means the subdivision in its entirety, not a phase, section, village, unit, or product line.

Subdivision development entrance signs means:

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

and are used to define various entries of the subdivision.

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

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

Variance means approval from the city council to depart from the strict application of the provisions of this chapter. ~~as per Sec. 46-25.-~~

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

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

(Ord. No. 17-626-13, § 2(A-4), 3-16-2017)

Sec. 46-5. - Applicability.

- (a) Pursuant to V.T.C.A., Local Government Code ch. 216, all land within the city and its extraterritorial jurisdiction (ETJ) is subject to compliance with this chapter.
- (b) The sections, provisions, and regulations set forth in this chapter shall apply to the control, use, installation, regulation, licensing and permitting of signs within the city and it's ETJ.

(Ord. No. 17-626-13, § 2(A-5), 3-16-2017)

Sec. 46-6. - Sign regulations.

- (a) Property on which only one nonresidential purpose activity is located.
 - (1) ~~No nNonresidential activity (activity)parcel shall have more than a total of five on-premises signs; provided, however, that each~~

Formatted: Font: 10 pt, Not Bold

~~activity may select any combination of the signs described as follows to reach that total have the following signs:~~

- a. Each ~~activity parcel~~ shall place no more than ~~two-one~~ on-premises ground signs of not over ~~32~~ square feet in area and no closer than ~~two-ten~~ feet to the curbline, no higher than eight feet, setting forth the address, name of owner, and the name of business, provided there shall be no more than one such sign;
 - b. Each activity shall place ~~no more than three~~ on-premises wall signs ~~on the building, with an allowable total sign area of 1½ square feet for each linear foot of the building frontage facing a public street which shall not occupy more than 50 percent of the total wall surface;~~
 - c. ~~Each activity shall place no more than three on-premises roof or wall signs, designed to be architecturally compatible with the building;~~
 - d. ~~Each activity shall place no more than three on-premises projecting signs, which shall not extend above the uppermost portion of the building to which it is attached unless otherwise such extension is excepted;~~
 - e. ~~Each activity shall place no more than three on-premises marquee signs.~~
- (2) With the exception of on-premises signs lawfully permitted or erected prior to the passage of the ordinance from which this chapter is derived, all on-premises signs and sign structures shall be contained wholly within the premises upon which they are located and shall not extend onto the public right-of-way.
- (b) Integrated business developments (defined for purposes of this chapter as shopping centers, strip centers, or any tract of land on which more than one business or nonresidential activity is located).
- (1) Monument sign: No business shall have ~~more than three-one monument sign_s~~ not over 48 square feet in area and no closer than ten feet to the curbline, no higher than 15 feet ~~which include no more than two wall signs, only one of which shall be at the main entrance and one on a freestanding community sign. No monument signs shall be permitted for integrated developments with a freestanding monument community sign.~~

- (2) Wall signs: Wall signs are permitted for each business within the integrated business development with an allowable total sign area of 1½ square feet for each linear foot of the building frontage facing a public street. The wall sign shall not project above the roof line and must be located on the portion of the building at the site where the goods or services are offered.
- (3) Community sign: One freestanding monument community sign shall be permitted for integrated developments of two or more separate businesses. The total area for all freestanding community signs shall not exceed one square foot for each five linear feet of lot frontage up to a maximum size of 100 square feet. ~~No community sign shall be smaller than 50 square feet.~~ A community sign shall not exceed 20-15 feet in height. ~~The lowest point of the sign's facing shall be no lower than 18 inches above the adjacent grade. No other monument signs shall be permitted for integrated developments with a freestanding monument community sign~~
- (4) Temporary or portable signs: Temporary or portable signs are prohibited in integrated business developments except a new tenant in an integrated business development may place a portable sign on the premises of said development for a period not to exceed the first 30 days of tenant's conducting business in such development. The total area of temporary or portable signs shall not exceed 32 square foot and a height of 10 feet. A permit shall be required.
- (5) One vendor's variable message sign, ~~for every 150 linear frontage feet or portion thereof~~ shall be permitted for integrated developments, as part of the monument sign. The maximum display surface area for each vendor's variable message sign shall not exceed 40-25 percent of the total square feet per side of the monument sign per side. ~~A vendor's variable message sign shall not exceed 20 feet in height. The lowest point of the display area shall be no lower than five feet above adjacent grade.~~ All vendor's variable message signs shall be subject to permit fees.

(Ord. No. 17-626-13, § 2(A-6), 3-16-2017)

Sec. 46-7. - Permit.

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

- (b) *Compliance required.* No person may install a sign or structurally alter an existing sign except in conformity with this chapter and other applicable federal, state, and local regulations, including, but not limited to, the building code, electrical code, and other applicable chapters of the city. In the event of a conflict between this chapter and other laws, the most restrictive standards apply.
- (c) *Exception to permit requirement.*
- (1) Permits shall not be required for the following signs, provided, however, that such signs shall otherwise comply with all applicable sections of this chapter:
- a. On-site real estate "for sale" signs not exceeding eight square feet, and a height of four feet; provided that a permit is required for a model home sign and future development signs.
 - b. Political signs located on private property with the consent of the property owner that do not exceed 36 square feet in area, are not more than eight feet in height, are not illuminated, and do not have any moving elements.
 - c. Government signs, including traffic signs, private traffic control signs, regulation address numerals, and memorial signs.
 - d. Construction trade signs, as per Sec. 46-18.
 - e. Garage sale signs, not exceeding six square feet, and a height of four feet.
- (2) No sign permit is required for a change of copy on any sign, or for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified.
- (d) *Primary beneficiary.* The primary beneficiary of any sign installed, moved, structurally altered, structurally repaired, maintained, or used in violation of this chapter shall be deemed responsible for the violation of this chapter.
- (e) *Code-enforcement officer*Designated city staff authority. The ~~code enforcement officer~~designated city staff shall enforce and implement the terms of this chapter, including without limitation:
- (1) Issuing permits and collecting the fees required by this chapter;

- (2) Conducting appropriate inspections to insure compliance with this chapter;
- (3) Instituting legal proceedings, including suits for injunctive relief when necessary, to ensure compliance with this chapter; and
- (4) Investigating complaints of alleged violations of this chapter.

(Ord. No. 17-626-13, § 2(A-7), 3-16-2017)

Sec. 46-8. - Application for permit.

- (a) An application for a sign permit must be accompanied by the permit fee and shall include such information as is necessary to assure compliance with all appropriate laws and regulations of the city, including:
 - (1) The name and address of the owner of the sign.
 - (2) The name and address of the owner, and if different from the owner, the person in possession of the premises where the sign is located or to be located.
 - (3) Clear and legible drawings with description definitely showing location of the sign which is the subject of the permit and all existing signs whose construction requires permits, when such signs are on the same premises.
 - (4) Scale drawings showing the site plan location, dimensions, construction supports, sizes, foundation, electrical wiring, and character of structure members to which attachment is to be made. The design, quality, materials and loading shall conform to the requirements of the building code. Projection, wall and temporary signs not over six square feet in area, constructed of metal or other noncombustible material, attached securely to a building or structure and not projecting more than 18 inches beyond the building wall, structure, building line or property line, shall not require an engineer certification as to its soundness. Wind pressure and dead loads shall be shown where deemed appropriate, and the ~~code enforcement officer~~designated city staff may require structural drawings designed and sealed by a civil engineer registered by the state when it cannot otherwise be determined that the sign will be structurally sound. If ~~code enforcement officer~~designated city staff, engineering data certified by a licensed structural engineer shall be supplied on any submitted plans.

- (5) Sign elevations shall be submitted demonstrating that sign structure design integrates the building design, colors and exterior finishing materials for the building, or development, in which the sign identifies, as prescribed in these requirements.
 - (6) Any electrical permit required and issued for said sign.
 - (7) For freestanding signs, documentation demonstrating that the applicant holds general liability insurance. No license or permit for the installation, erection and maintenance of a freestanding sign shall be issued to any person, firm or corporation until such person, firm or corporation has filed with the ~~code enforcement officer~~designated city staff a certificate of insurance verifying general liability insurance.
 - (8) The permit fee.
- (b) Fees for sign permits shall be as specified by the city fee schedule.
- (c) Expiration of sign permits.
- (1) A sign permit shall expire and become void unless a request for final inspection of the sign is made no later than 90 days after the date the permit is issued.
 - (2) An extension of an expired permit may be granted at the discretion of the ~~code enforcement officer~~designated city staff.

(Ord. No. 17-626-13, § 2(A-8), 3-16-2017)

Sec. 46-9. - Calculation of sign area.

- (a) *Sign area measurement.* Sign area for all sign types is measured as follows:
- (1) Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangles that enclose the sign copy and the background.
 - (2) Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangles that will enclose each word and each graphic in the total sign.

- (3) Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy. Such elements may include, but are not limited to lit canopy fascia signs, cabinet signs, and/or interior lit awnings. Support structures and frames of a freestanding **monument** sign shall count toward the sign area.
- (4) Multi-face signs are measured as follows:
 - a. Two face signs: If the interior angle between the two sign faces is 30 degrees or less, the sign area is of one sign face only. If the angle between the two sign faces is greater than 30 degrees, the sign area is the sum of the areas of the two sign faces.
 - b. Three or four face signs: The sign area is 50 percent of the sum of the areas of all sign faces.
- (5) Spherical, free-form, sculptural, or other nonplanar sign area is 50 percent of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. Signs with greater than four faces are prohibited.
- (6) Freestanding sign area is the entire advertising area of a sign, including framing, trim or molding and the supporting frame for monument signs and including the air space between the supporting structures for freestanding signs.

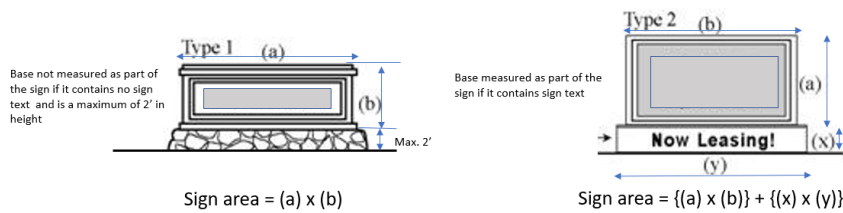


Figure 1: Sign area calculations

- (b) *Sign height measurement.* Sign height is measured as follows:

- (1) *Freestanding signs.* The height of a freestanding sign shall be computed as the distance from the base of the sign at finished grade to the top of the highest attached component of the sign. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height. If a sign is located on a mound, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign.
- (2) *Building-mounted signs.* The height of wall, fascia, mansard, parapet or other building-mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure.

(Ord. No. 17-626-13, § 2(A-9), 3-16-2017)

Sec. 46-10. - Prohibited signs and prohibited actions.

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

- (1) Signs with flashing lights, revolving beacon lights, fluttering, undulating, swinging, or otherwise moving (motion) parts. For purposes of this chapter, an electronically controlled changeable copy sign is not considered a flashing sign unless it directly falls under the definition of "flashing" as defined in [section 46-4](#).
- (2) Billboards, including digital billboards; unless otherwise authorized by [section 46-12\(l\)](#) of this chapter.
- (3) Off-premises signs, and any other sign specifically authorized in this chapter that are not compliant with this chapter.
- (4) Portable signs; including, but not limited to A-frame signs, signs on wheels, signs not permanently mounted or fixed to a permanent location, such as a light fixture, and banners, pennants and streamers or any fabric or material designed to blow or float in the wind to attract attention to a business. This definition does not regulate official flags or road construction signs.
- (5) Temporary signs except as specified in [section 46-18](#).
- (6) Signs placed on a vehicle or trailer that is parked or located for the primary purpose of displaying a sign shall be permitted.

- (7) Signs painted on fences or roofs.
- (8) Inflatable signs.
- (9) Signs, objects or structures that obstruct or diminish the sight triangle.
- (10) Light emitting diode (LED) graphic displays or message signs, with the limited exception of those LED signs that comply with the LED requirement in [section 46-20\(e\)](#). Such signs, when authorized, shall comply fully with the requirements of this chapter. Electronic message signs are allowed only as an accessory element of a sign, **and shall not exceed 25% of the sign area.** Messages shall be programmed to remain static for a period of not less than eight seconds and shall not be programmed to flash, move, or scroll. Message and image changes shall dissolve, or fade into a subsequent message or image.
- (11) Sign copy on outdoor street furniture, bus stops, public facilities or outdoor mechanical equipment, such as a back-flow preventer, communication antenna or similar appurtenances.
- (12) Parked motor vehicles and/or trailers shall not be parked or stored in manner to display an advertising message.

(13) Pole signs

(Ord. No. 17-626-13, § 2(A-10), 3-16-2017; [Ord. No. 19-668-14](#), § 1, 11-21-2019)

Sec. 46-11. - Signs exempt from these regulations (permits not required).

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

- (1) Any sign erected by or under the authority of the city on property owned by the city.
- (2) Street identification signs, public notices, and warning signs installed by any city, county, state or federal agency.
- (3) Historical markers or plaques placed by a city, county, state or national historical preservation organization.

- (4) Signs located on-premises or inside a building and which are not displayed so as to be legible from a public street, including, but not limited to, such signs as credit card decals, hours of operation signs, emergency contact information, and barber poles.
- (5) On-site traffic control signs on commercial properties, such as stop, yield, and similar traffic control signs containing no commercial message.
- (6) "No parking" or "towing" signs authorized by city chapter.
- (7) Underground utility warning signs not exceeding one square foot in size and similar safety signs.
- (8) Signs on railway property, which references the operation of such railway.
- (9) Flags, emblems and insignia of any governmental body, including the official flag of a nation or of a state are not a sign subject to this chapter. Notwithstanding the preceding sentence, a flag shall not be installed, maintained, or used in a manner that would make that flag a hazardous sign if it were a commercial flag.
- (10) Corporate flags displayed on a freestanding pole, which do not exceed 35 feet in height. The flag shall not exceed 30 square feet in area. The flagpole shall be setback a minimum of 20 feet from the front property line and eight feet from the side property line. For residential developments, corporate flags are limited to six, not to exceed a height of 25 feet.
- (11) Hand held signs or signs, symbols or displays on persons or animals, except for signs that qualify as human signs.
- (12) Signs located on mail boxes, newspaper vending machines and curbside residential newspaper holders which identify the owner and address of the premises or the name of the newspaper sold or subscribed to; provided that such devices are not placed so as to interfere with the safe movement of pedestrians or vehicular traffic.
- (13) Signs located on outdoor machines, devices, or equipment which display the trademark, trade name, manufacturer, cost of operating or service instructions or similar information, but do not advertise the business where located. This exemption includes, but is not limited to, signs on coin-operated vending machines, fuel dispensing pumps (excluding spandrels), telephone facilities, automatic teller machines, automatic vacuum cleaners, amusement rides and similar machines, devices or equipment.

- (14) Signs depicting a single or multi-family residential real property for sale, lease, or rent, or the location of an office for a multi-family projects No more than one sign on the property for sale, lease, or rent except for a corner lot property, may have one sign on each street front. These signs are also subject to the requirements of [section 46-18](#).
- (15) Signs depicting residential real property for sale within a subdivision, placed at the entrances of such subdivision, which are erected by the owner of the subdivision, ~~not to exceed 48 square feet in area and a height of six feet.~~
- (16) Signs depicting commercial real property for sale, lease, or rent, ~~not to exceed 48 square feet in area and a height of six feet.~~
- (17) Event signs, on-site. On-site event signs may not exceed an area of eight square feet at a residence or 16 square feet at any other location. These signs are also subject to the requirements of [section 46-18](#).
 - a. For residential use: On-site event signs may be erected two days prior to the event and must be removed within one day after the event.
 - b. For all other uses: Such signs may be erected 30 days prior to the event and must be removed within two days after the event.

There shall be no more than two on-site event signs for any event.

- (18) Signs denoting future development or construction signs that depict the name of the project and/or the architect, engineer, contractor or broker, or other construction sign that is placed on the premises where construction, repair, or renovation is in progress, ~~as per Sec 46-18.~~
- (19) Signs installed either on-premises or off-premises used by the city or the Brookshire Economic Development Corporation to promote the community and economic development of the city. The signs will include general information promoting the community and will not specify any specific business name for advertisement purposes, even if the business had assisted in the acquisition, purchasing, construction, installation, development, etc., of the sign.

(Ord. No. 17-626-13, § 2(A-11), 3-16-2017)

Sec. 46-12. - General provisions.

- (a) *Uniform signs in multi-tenant/multi-business developments.* Wall signs displayed by two or more businesses using common parking facilities shall be uniform in construction (i.e., cabinets, channel letters, plaques) and lighting (i.e., direct, indirect).
- (b) *Street address.* All freestanding signs, either berm or monument signs, shall include the street address. The street address shall not be included in the calculation of the sign area, except in such case that the street address is also the name of the center, business, or development, or in such case that the street address exceeds six square feet in size.
- (c) *Setback.* There shall be ~~no a~~ minimum setback of ten feet for any portion of the signs from any property line, provided that the sign is not located within a clear sight triangle area and that no portion of a sign crosses over a property line or into a public right-of-way. ~~A sign installed in compliance with this chapter is not required to meet building setback requirements established in any other chapter of this Code; however, no sign or sign support, other than a wall sign, may be installed less than 12 feet from the edge of pavement unless the said sign is:~~
- ~~(1) Less than 30 inches in height above street pavement grade;~~
 - ~~(2) Has a clearance of more than nine feet above pavement grade, provided that the sign shall have a clearance of more than 12 feet when located over a driveway;~~
 - (3) Does not extend into or over the public right-of-way unless specifically authorized under this chapter or as authorized by city council.
- (d) *Visibility.* Signs shall not be constructed or installed in a manner that would interfere with visibility, create a traffic hazard, or be confused with any traffic control sign or signal.
- (e) *Structural integrity.* Any sign as defined in this chapter, shall be designed and constructed to withstand wind pressures and receive dead loads as required in the building code adopted by the city. Any sign, other than a wall sign, shall be designed, installed, and maintained so that it will comply with the requirements of the structural codes of the city, as amended.
- (f) *Maximum height.* No sign shall exceed the maximum height provided for in this chapter. In determining the maximum height of a sign, the natural grade of the site shall be used as the base elevation. An exception to this requirement may be considered in those instances where earth work is completed to cut or fill the slope of the site to a height that is greater than the natural site grade. In those cases, the average of the area in the

Formatted: Indent: Hanging: 0.5"

Formatted: Indent: Left: 0.5"

vicinity of the sign shall be used as the base grade. In no case shall a sign be located on a mound where the surrounding grade has been altered by more than 18 inches for purposes of artificially increasing the overall height of a sign above that allowed by the height regulations in this chapter.

- (g) *Public utility facilities.* New signs and signs being structurally altered shall maintain clearance from public utility facilities, shall not substantially interfere with drainage, and shall not be located in a utility or drainage easement. The minimum clearance from electrical lines shall be determined by the affected utility provider. At a minimum, the following minimum clearances from electrical lines shall be followed: for service lines, except those serving a sign, 5½ feet horizontal and six feet vertical clearance; for distribution lines, 7½ feet horizontal and eight feet vertical clearance.
- (h) *Parking, driveways, sidewalks.* Only signs required in the interest of public safety may occupy a required off-street parking or loading space or obstruct any driveway or sidewalk, except as specifically authorized herein.
- (i) *Incidental signs not regulated.* It is not the purpose of these regulations to regulate area or placement of any incidental sign required for the functionality of the use of the site. Example of such signs include, but are not limited to, menu signs, directory signs designed for pedestrian traffic, private (non-public) traffic signs, any building or site sign that does contain advertising copy and serves no advertising purpose, street name and address information, or signs that identify different building or suite numbers and contain no advertising content. Such signs shall not to exceed three square feet in area and a height of four feet.
- (j) *Public property.*
 - (1) No sign shall be located on or project over public property or a street right-of-way except governmental signs and temporary banner signs that comply with this chapter, except where a provision in this chapter allows such location, or with the approval by the city council of a license agreement. No portion of a freestanding sign shall be permitted to be located closer to two feet from extend into the public right-of-way.
 - (2) No person shall, either directly or indirectly, cause or authorize a sign to be installed, used, or maintained on any utility pole, traffic signal pole, traffic signal controller box, tree, street light, or any other structure located on or over any public property or public

right-of-way, in the city's jurisdiction, except as authorized by this chapter or by the city council.

- (k) *Sign height measurement for severe slopes and uneven terrain.* When a sign is placed on uneven terrain, the base height shall be measured from the point where the sign base reaches the average ground level and not from the bottom of any wall that raises a portion of the sign up to ground level.
- (l) *Billboards.* No billboard is allowed within the city limits or the ETJ unless such billboard complies with this subsection.
 - (1) A billboard that is, or is proposed to be, within the right-of-way of Interstate Highway 10 in the city limits or in the ETJ, and that has satisfied all State of Texas requirements for billboards as administered by the Texas Department of Transportation (TxDOT), shall be eligible for a sign permit by the city.
 - (2) ~~A billboard that is, or is proposed to be, within 100 feet of the centerline of 10th Street in the city limits or in the ETJ, and that has satisfied all State of Texas requirements for billboards as administered by TxDOT, shall be eligible for a sign permit by the city.~~
 - (3) A billboard that is within the right-of-way of Interstate Highway 10 or within 100 feet of the centerline of 10th Street as of the effective date of this subsection shall be allowed to be continued and maintained at its existing location subject to the limitations of [section 46-21](#) of this chapter.
 - (4) Any proposed alteration, repair, replacement, relocation, or any such change to any billboard within the Interstate 10 right-of-way or within 100 feet of the centerline of 10th Street is prohibited without a permit issued by the city showing that the proposed alteration, repair, replacement, relocation, or change is in conformity with this subsection.
 - (5) Where a conflict exists between this Code and State of Texas requirements for billboards as administered by TxDOT, the State of Texas requirements shall govern.

(Ord. No. 17-626-13, § 2(A-12), 3-16-2017; [Ord. No. 19-668-14](#), § 2, 11-21-2019.)

Sec. 46-13. - Illumination.

- (a) *Lighting.* Sign lighting shall be installed to protect the driver of a vehicle from dangerous glare and to maintain visual clearance of all official traffic signs, signals and devices.
- (b) *Glare.* Signs shall be designed, located, shielded, and directed to prevent the casting of glare or direct light from artificial illumination, upon adjacent public right-of-way and surrounding property.
- (c) *Bare bulb illumination.* Bare bulb illumination is prohibited within 150 feet of any premises containing a residential use, and in other cases is limited to 25-watt bulbs at night and 33-watt bulbs during daylight hours.
- (d) *Brightness limitations.* The lighting intensity of a sign, whether resulting from internal illumination or external illumination, shall not exceed 75 foot-candles when measured with a standard light meter perpendicular to the face of the sign from a distance equal to the most narrow dimension of the sign.
- (e) *Electrical permit.* All signs in which electrical wiring and connections are to be used shall be subject to the applicable provisions of the city's electrical codes.
- (f) *Proximity to residential uses.* Internally lit signs for any nonresidential use shall not emit light that exceeds 0.1 foot-candle of light at the property line of any single-family residential property and 0.5 foot-candles from all other residential property.
- (g) *Compliance with LED/light projection technologies.* Signs, when illuminated, shall comply with the LED requirement of [section 46-20\(e\)](#) if LED lights are used. It is the policy of these regulations to place a preference on internally lit signs that utilize back lit and channel light technologies that are externally lit. When internally lit cabinet signs are utilized, the background color of the sign face must be as dark as possible to minimize the amount of light projected from the sign face and to simulate an individual back lit style sign and to minimize the amount of light projected from the sign face.

(Ord. No. 17-626-13, § 2(A-13), 3-16-2017)

Sec. 46-14. - Single-family residential sign category.

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

- (1) ~~Not more than six on-site subdivision Burma-Shave signs may be permitted for each recorded subdivision not to exceed four per entry into the primary entrance of the subdivision.~~
- (2) ~~Each Burma-Shave sign shall not exceed 16 square feet of total sign area on one side and both sides of the sign may contain signage. The sign shall not exceed four feet in height and must be located out of the right-of-way in a manner that does not obstruct the visibility of vehicle ingress/egress from surrounding streets and/or properties.~~
- (c) *Model home signs.* Model home signs are limited to a 24 square foot sign face, a height of six feet, and to one sign for each cluster of model homes. A nameplate sign that identifies the individual product name is exempt under this subsection if it does not exceed three square feet in sign area. Signs shall be placed by permit only, and no fee shall be required.
- (d) *Subdivision development entrance signs.* A subdivision development entrance sign is a sign authorized for each major project entry into a legal recorded, multi-lot, multi-sectioned, master-planned subdivision, and contains only the name of the subdivision and a logo, but no other sign copy. Subdivision entrance signs must be decorative ~~berm or~~ monument signs constructed of stone, brick or other maintenance free material comparable to the design of the development that the signs identify. The design and construction must be compatible with surrounding development. Signage may appear on both sides of the entrance roadway within the recorded or master-planned subdivision and will be soldered as one sign. The maximum allowable sign face size limitations will apply separately to each side of the street, where applicable. Lighting shall be ground lighting, back lighting or lights attached to the top or bottom of the sign focused toward the sign copy. There are three types of subdivision development entrance signs: primary, secondary, and tertiary. The use of berm or monument style signs shall be required for all of the below sign types. All signs shall be located outside of the sight triangle, as defined in this chapter. Subdivision entrance signs shall be located on dedicated easements that do not conflict with other utility easements, and such easements shall be shown on the recorded plat.
- (1) Primary entrance sign is located at the primary entrance into the subdivision. Only one primary two-sided entrance sign, or two single-faced wall signs, are permitted. An additional primary entrance sign shall be permitted for those developments accessible from two or more different arterial streets.

Formatted: Indent: Left: 0.5"

- a. The maximum sign area of sign copy, including any logo, shall be 64 square feet. If the sign copy is incorporated into a landscape feature, decorative wall, or architectural feature, the size of the sign face is determined by the area of the smallest rectangle within which the face of the sign can be enclosed. Sign height shall be limited to six.
 - b. A subdivision primary entrance sign must be located within the subdivision and at a location that will not restrict visibility at intersections. The city may enter into an agreement to permit a subdivision identification sign in a public right-of-way, such as a median, at the discretion of the city. The agreement shall be in a form acceptable to the city.
- (2) Secondary entrance signs are located at entrances into the subdivision other than at the primary entrance, or entrances. They are to be placed at an on-premises location within the subdivision and the sign face shall be a maximum of 16 square feet in size and four feet in height. Secondary signs may be incorporated into landscape features, decorative wall, or architectural feature.
 - (3) Tertiary entrance signs are located at the entryway into sections within the subdivision and are permitted only in subdivisions that exceed 50 acres to identify various sections within the subdivision and various amenity areas in the subdivision, such as parks and clubhouses. These signs shall be decorative and shall be limited to a height of four feet and an area not to exceed ten square feet.
 - (4) All signs shall be subject to perpetual maintenance by a homeowner's association or similar entity before a permit will be issued for such signs.
 - (5) Signs, when illuminated, shall be externally illuminated, employ back lighting techniques or channel letter techniques. The use of sign cabinets are prohibited unless they are designed in a manner that appears to convey the appearance of individual letter signs with extremely subdued background cabinet colors.



Figure 2: Examples of a Subdivision Entrance Sign

Formatted: Justified

(Ord. No. 17-626-13, § 2(A-14), 3-16-2017, ~~xx-xx-xxxx~~)

Sec. 46-15. - Multi-family residential sign category.

- (a) Signs in multi-family locations shall be limited to signs allowed in this section and in all applicable restrictions of this chapter as well as other requirements of the code, and any other applicable law.
- (b) Except as provided in this subsection, a single freestanding sign is permitted only as ~~berm or a~~ monument signs ~~and pylon (monument style) signs~~ on the same lot as the development to identify the development and its entrance. Signs must be constructed of stone, brick or other maintenance free material and shall be consistent with the colors, materials and design themes of the development associated with the sign.
 - (1) Lighting shall be ground lights, back lighting or lights attached to the top or bottom of the sign focused toward the sign copy.
 - (2) The maximum size of the sign, including any logo ~~shall be~~ 70 square feet in. If the sign copy is incorporated into a landscape features, decorative wall, or architectural feature, the size of the sign face is determined by the area of the smallest rectangle within which the face of the sign can be enclosed. The maximum height of the sign shall be six feet.
 - (3) If the development has a second entrance ~~from an arterial street,~~ a secondary entrance sign is permitted directed to that street. Secondary entrance signs in are limited to 35 feet, and a height of four feet.
- (c) A single wall sign identifying the name and/or logo of the development is permitted on the facade of the closest building to each entrance into the development, or on the main office building. Wall signs may not exceed

an area of 40 square feet. Wall signage shall be oriented to the primary street, or streets, that provide access to the development. This restriction does not limit the installation of directional wall or ground signs that identify the name or number of each building; such as Unit 1, Unit 2, Amenity Center or Laundry Room. Each informational wall sign shall be limited to an area 16 square feet. Directional signs for traffic circulation are limited to a height of four feet, an area of four square feet, and two signs per street entrance.

- (d) Window or door surface signs are allowed. The total sign area of all window and door signs shall not be included in calculating the maximum wall sign area authorized at a particular location.
- (e) Institutional use sign standards. Institutional uses such as churches, fire stations and schools located in multi-family residential neighborhoods shall be subject to all requirements stipulated above for primary multi-family residential entrance signs. LED signage shall be permitted subject to all of the LED sign requirements of [section 46-20\(e\)](#), and the limitation of such signage to the lesser of 20 percent of the sign face or [26](#) square feet.
- (f) Light intensity (proximity to residential uses). The intensity of light emitted from signs is subject to the light intensity limitations specified in [section 46-13](#).
- (g) Signs, when illuminated, shall be externally illuminated, employ back lighting techniques and/or channel letter techniques. The use of sign cabinets are prohibited unless they are designed in a manner that appears to convey the appearance of individual letter signs with extremely subdued background cabinet colors.



[Figure 3: Example of a Multi-family residential sign](#)

Formatted: Centered

(Ord. No. 17-626-13, § 2(A-15), 3-16-2017, XX-XX-2022)

Sec. 46-16. - Elevated sections of Interstate 10 (sign height relief).

In certain instances, the visibility of a freestanding sign proposed to be oriented toward Interstate 10 could be limited by the elevated section of I-10. In those instances, an applicant may seek ~~relief a variance from the City Council as per Sec. 46-25.~~ from the height restrictions of these requirements. To consider any request for relief, an applicant must provide the city with a cross section profile showing the elevated highway road base elevations, the elevation of the site, a spot elevation where the sign is proposed, and the proposed signage relative to the highway elevations. The distances between the proposed sign and the driving lanes shall also be provided. From that data, the applicant will develop a "line-of-sight" profile demonstrating the amount of additional sign height required to ensure sign visibility and establish a "minimum height of line" necessary to ensure sign visibility to east and west bound 1-10 traffic. In considering such a variance, preference will be given to signs that employ back lighting and/or channel letter techniques. The use of sign cabinets are prohibited unless they are designed in a manner that appears to convey the appearance of individual letter signs with extremely subdued background cabinet colors. The applicant must clearly demonstrate that the sign copy/logo will be installed to the lowest height as necessary to ensure that the line—of-sight to the sign is just above the I-10 east/west bound highway grades.

Formatted: Indent: Left: 0.5"

(Ord. No. 17-626-13, § 2(A-16), 3-16-2017, XX-XX-2022)

Sec. 46-17. - Miscellaneous attached sign regulations.

(a) *Awning signs.*

- (1) The purpose of an awning sign is to provide an advertising message on the facade of a building. Awning signs shall be regulated as if it were a wall sign and shall be subject to the wall sign area limitations. If the entire awning, including sign copy and logos are illuminated, the entire awning is considered to be a sign. If only the sign copy and/or logo is back lit, only the sign copy and logo will be calculated as a sign.
- (2) The sign area on an awning shall not exceed 20 percent of the area of the awning ~~and shall extend for no more than 50 percent of the length of the awning.~~ Awning sign area shall be determined by measurement of just the sign copy and/or business logo on the awning.

- (b) *Canopy signs.* A canopy sign shall be no greater in size than 20 percent of the face of the canopy of which it is to be installed and shall not extend beyond the face of the canopy either vertically or horizontally. An illuminated strip may be incorporated into the canopy. Canopy signs shall be subject to the wall sign area limitations. If the entire canopy, including sign copy and logos are illuminated, the entire canopy is considered to be a sign. If only the sign copy and/or logo is back lit, only the sign copy and logo will be calculated as a sign. Canopies used for gasoline fueling stations are further regulated by other sections of this chapter.
- (c) *Projecting signs.* The purpose of a projecting sign is to identify the name of a business, profession, service, product or activity conducted, sold or offered on the premises where the sign is located by providing an advertising message that is perpendicular to the wall of the building to which it is attached. Projecting signs shall be allowed, with the allowable area of the projecting sign to be governed by the wall signage permitted for the facade in which the projecting sign is proposed to be located. Only one side of the projecting sign will be used to determine the area of this sign.
- (1) *Number of signs.* One projecting sign shall be allowed for each single tenant building or for each tenant in a multi-occupancy structure. However, no tenant storefront shall have a projecting sign in combination with a wall sign on the same building elevation.
 - (2) *Horizontal projection.* A projecting sign shall not project more than four feet from any wall facing and shall not be located in a public right-of-way, without the consent of the city council, and shall not be elevated above the apparent roof line of the building.
 - (3) *Clearance.* Every projecting sign shall be a minimum of eight feet above the grade over a walking area or 14 feet over a vehicular maneuvering area. Projection signs shall not project over any property line or right-of-way line unless with an approved license agreement.
 - (4) *Lighting.* A projecting sign may be illuminated.
- (d) *Light-mounted banner signs.* Light-mounted banner signs within public rights-of-way shall be permitted, upon approval by the City Council, along major gateway highways and other prominent ~~arterial~~ streets designated by city council, that pass through the community to advertise community events, seasonal and historic themes, or other such civic purposes. Signs of this nature shall also be permitted in commercial complex centers and industrial parks and other mixed use developments

to create a "brand image" for that development upon approval by the City Council. Such banners must be approved by the appropriate electric utility company. Light-mounted banner signs shall comply with the following regulations:

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

(Ord. No. 17-626-13, § 2(A-17), 3-16-2017)

Sec. 46-18. - Temporary sign regulations.

- (a) *Construction trades signs.* The purpose of a construction trades sign is to denote the architect, engineer, financial institution or building trades contractor involved in a construction project. Construction trades signs shall be categorized as either commercial or residential.
 - (1) The maximum area, height, spacing and setbacks of a construction trades sign for commercial or industrial locations shall not exceed 64 square feet and shall not exceed ten feet in height.
 - (2) The maximum area, height, spacing and setbacks of a construction trades sign for residential locations shall not exceed eight square feet and shall not exceed four feet in height.
 - (3) Construction trades signs shall not be erected until a building permit has been submitted for building construction and shall be removed upon completion of the construction project or occupancy of the structure, whichever is applicable.
 - (4) No permit or fee shall be required for a construction trades sign.

- (5) Signs shall not be located in the street right-of-way, shall be placed at least 25 feet from an intersection and a minimum ~~setback of~~ ten feet from the ~~curb-property~~ line.
 - (6) A construction trades sign shall not be illuminated.
- (b) *Future development signs.* Future development signs shall be regulated as either commercial or residential.
- (1) The maximum area, height, spacing and setbacks of a future development sign shall not exceed 64 square feet and shall not exceed ten feet in height.
 - (2) A permit shall be required for a future development sign.
 - (3) A future development sign shall not be illuminated.
 - (4) A future development sign shall be removed when the project is 90 percent complete or within three years from start of construction, whichever is fewer. For the purpose of this section, a subdivision shall be deemed 90 percent complete when 90 percent of the lots within the subdivision are sold.
 - (5) Signs shall not be located in the street right-of-way, shall be placed at least 25 feet from an intersection and a minimum ~~setback of~~ ten feet from the ~~curb-property~~ line.
 - (6) One sign shall be permitted per lot; except that one sign per major access to the development shall be authorized if a lot is used together with one or more contiguous lots for a single use or a unified development (for example, a shopping center).
- (c) *Real estate signs (commercial, including multifamily).* The purpose of a commercial real estate sign is to advertise the sale, rental or lease of the premises on which said sign is located.
- (1) A commercial real estate sign shall not be illuminated.
 - (2) The maximum area and height of a commercial real estate sign shall not exceed 64 square feet and shall not exceed ten feet in height.
 - (3) Commercial real estate signs shall be removed within seven days following the completion of the sale, rental or lease of the premises.
 - (4) No more than one sign per 300 linear feet of street frontage may be placed on such property.

- (5) Signs shall be placed at least 25 feet from an intersection and a minimum of ten feet setback from the curb-property line.
 - (6) No permit or permit fee shall be required for a commercial real estate sign.
- (d) *Real estate signs (residential).* The purpose of a residential real estate sign is to advertise the sale, rental or lease of the premises on which said sign is located.
- (1) A residential real estate sign shall not be illuminated.
 - (2) The maximum area and height of a residential real estate sign shall not exceed 12 square feet and shall not exceed six feet in height.
 - (3) All signs shall be removed within seven days following the completion of the sale, rental or lease of the premises.
 - (4) Signs shall be placed at least 25 feet from an intersection and a minimum of ten feet setback from the curblineproperty line.
 - (5) No permit or permit fee shall be required for a residential real estate sign.
- (e) *Miscellaneous temporary sign regulations.*
- (1) Temporary signs advertising the opening or relocation of a business shall only be permitted for a maximum period of 30 days before and 60 days after such opening or relocation. Signs shall be placed at least 25 feet from an intersection and a minimum of ten feet setback from the property line, from the curb line.
 - (2) Except as specifically provided otherwise in this chapter, banners shall not exceed 32 square feet, must be attached and parallel to a wall of the structure, and shall only be permitted for a period not to exceed 30 calendar days and with a period of not less than 30 days between displays.
 - (3) Human signs shall be allowed on private property and the untraveled public rights-of-way provided that no human sign, as defined by this chapter, shall be displayed within a vehicular traffic lane.
 - (4) Open house signs do not require a permit, shall not exceed four square feet, and shall be allowed for a maximum of four hours the day of the open house. Open house signs shall be placed at least 25 feet from an intersection and a minimum of ten feet

~~setback from the property line of ten feet from the curb line.~~
Open house signs shall not be placed anywhere in the center median of a public or private street.

(Ord. No. 17-626-13, § 2(A-18), 3-16-2017)

Sec. 46-19. - Flagpoles and commercial flags.

The national or state flag and the flagpoles for the express purpose of displaying the national or state flag are exempt from this section. The purpose of this regulation is to restrict the number and height of permanently mounted corporate flags advertising a business. One flagpole shall be allowed per development at a maximum height of 20 feet in nonresidential and multi-family residential sign districts ~~and in conformance with the requirements of Sec. 46-11.~~ Such flags may only display corporate colors and/or the logo of the business or development.

(Ord. No. 17-626-13, § 2(A-19), 3-16-2017)

Sec. 46-20. - Incidental sign regulations.

- (a) *Government sign.* Government signs are permitted subject to all laws and regulations that apply.
- (b) *Memorial sign.* Memorial signs may be installed in accordance with state historical standards, or as building cornerstones not to exceed eight square feet.
- (c) *Private traffic control signs.* Private traffic control signs are not allowed for single-family residential or duplex uses, but are otherwise permitted. Signs shall not exceed four square feet in size, and may contain directions and the name or logo of the same-site user.
- (d) *Window signs.* Window signs may be placed so as not to obscure more than 25 percent of the visible window area. Where multiple windows exist, fronting on the single elevation, 75 percent visibility shall be maintained for the total window area on said elevation.
- (e) *LED sign regulations.* LED signs, where permitted by this chapter, shall be subject to the following additional requirements:
 - (1) The sign shall contain no motion, twirling, rotation, spinning, continuous scrolling or any other like form of motion or action. Images and text shall dissolve from one message or image to the next image or text.

Formatted: Font: 10 pt, Not Bold

- (2) Digital signage is limited to non-animated images and each image must be displayed ("dwell") for a minimum of eight seconds.
- (3) During the daytime, based on normal daylight illumination, a maximum limit of 5,000 nits is permitted to keep luminous signage balanced with the surrounding landscape. During nighttime hours, a maximum luminosity is limited to 150 nits.
- (4) If the nighttime luminance setting and limit is based on the sign in question being set to display full white, full brightness field, a limit as high as 200 nits for this method of calibration and testing is suitable.
- (5) Incremental luminance limits between the nighttime limit and the full sunlight limit may also be specified for overcast or foggy days, or for dusk; or regulations may require an automatic control of sign luminance based on the ambient lighting condition, to throttle the sign luminance between the sunny-day and night maximums.
- (6) Surface luminosity measurements should be made directly with a calibrated luminosity meter, following the instrument manufacturer's instructions. Readings should be taken from the area (generally of roadway) where the sign in question will be visible from, and which is closest to being directly in front of the sign (where the luminosity output is most focused).

(Ord. No. 17-626-13, § 2(A-20), 3-16-2017)

Sec. 46-21. - Nonconforming signs.

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

- (b) A nonconforming sign shall be allowed to be continued and maintained at its existing location subject to the limitations of this section.
- (c) No nonconforming sign may be enlarged or altered in a way which would increase its nonconformity; provided that the sign face may be changed in compliance with this chapter.
- (d) A nonconforming sign shall be removed immediately if any of the following applies:
 - (1) The nonconforming sign is abandoned as defined in this subsection. Whenever any nonconforming sign no longer advertises a bona fide business or a business which has moved away or closed, a product sold, or service rendered, such sign shall be removed within 60 days. If the nonconforming sign is a wall sign, the wall sign shall be removed or painted over with a color that resembles or matches the rest of the wall of the building. If the owner of, or person responsible for the sign, or if the tenant closing a business, fails to remove the abandoned sign or paint over the wall sign, the owner of the premises shall be held responsible and the work shall be done within 30 days following written notice to do so by the ~~code enforcement officer~~designated city staff.
 - (2) The ~~code enforcement officer~~designated city staff or his designee determines the sign to be obsolete or substandard under any applicable chapters of the city to the extent that the sign becomes a hazard or dangerous.
 - (3) A nonconforming sign, or a substantial part of it, is destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign.
- (e) Reconstruction, repair, or replacement of a nonconforming sign shall be completed no later than 90 days following the date of the damage. For purposes of this subsection, a sign, or a substantial part of a sign, is considered destroyed if the cost of repairing the sign is more than 50 percent of the cost of installing a new sign of the same type at the same location.

(Ord. No. 17-626-13, § 2(A-21), 3-16-2017)

Sec. 46-22. - Hazardous signs.

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

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

(Ord. No. 17-626-13, § 2(A-22), 3-16-2017)

Sec. 46-23. - Abatement of sign violations and removal of unsafe signs.

- (a) Any sign that is structurally unsafe or that constitutes a hazard to the health, safety, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, abandonment or other cause is hereby declared to be a public nuisance and shall be abated by demolition or removal.
- (b) Should the ~~code enforcement officer~~designated city staff determine that any sign is not properly maintained, is unsafe or insecure or has

otherwise been constructed, erected or maintained in violation of the provisions of this chapter, he shall take action as follows:

- (1) Except as provided in subsections (b)(2) and (3) of this section, the ~~code enforcement officer~~designated city staff shall give the sign or property owner written notice to repair, remove or obtain a permit for such sign as applicable within ten days after such notice. If the sign or property owner fails to remove, repair, or obtain a permit for such sign so as to comply with all applicable standards and regulations, the ~~code enforcement officer~~designated city staff shall cause the sign to be either removed or repaired and such cost shall be charged to and paid by the property owner. If such demolition or repair expenses are not paid by the property owner within 30 days of such billing, then such expenses shall constitute a valid lien against the property. Such notice shall also provide the sign or property owner an opportunity to bring the sign into compliance or to request a hearing before the city council to determine whether the sign should be repaired or removed. Such appeal must be filed in writing with the city secretary within ten days of the notice. After consideration of all facts, the city council shall rule upon the appeal.
 - (2) The ~~code enforcement officer~~designated city staff may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.
 - (3) Any sign located in public right-of-way may be immediately removed by the ~~code enforcement officer~~designated city staff without notice to the owner.
- (c) In addition to subsection (b) of this section, the ~~code enforcement officer~~designated city staff may issue citations without giving prior notice of violation or pursue any other administrative or legal remedy in order to abate any sign which is in violation of this chapter or any other law.

(Ord. No. 17-626-13, § 2(A-23), 3-16-2017)

Sec. 46-24. - Repairs and maintenance.

All signs in the city and its extraterritorial jurisdiction (ETJ) shall be properly maintained in good and safe structural condition, shall be painted on all exterior parts, unless coated or made of rust-resistant material, and shall be maintained in good condition and appearance at all times. Any owner or primary beneficiary failing to maintain, repair, or remove any such sign after due notices has been given shall upon conviction be guilty of a misdemeanor. The ~~code enforcement officer~~designated city staff shall

have the authority to order the painting, repair, or removal of a sign and accompanying landscaping which do not comply with this chapter or the building codes or that constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

(Ord. No. 17-626-13, § 2(A-24), 3-16-2017)

Sec. 46-25. - Variances and appeals.

- (a) *Application and fee required.* Any person, business or other organization desiring to continue in use, locate, construct or otherwise place any sign which does not conform to the provisions of this chapter may make application to the city council for a variance to continue in use, locate, construct or otherwise place such a sign. Any person, business or other organization desiring to appeal the decision of the ~~code enforcement officer~~ designated city staff in the administration of this chapter may make an application to the city council appealing that decision. An application for a variance or an appeal shall be filed with the city secretary, accompanied by the appropriate fee established by city council and by a drawing or sketch in sufficient detail to determine the location and type of construction for the proposed sign.
- (b) *Standards for granting approval.* The city council may grant approval, of a variance or appeal only if affirmative findings, reflected in the minutes of the city council's proceedings, affirm the presence of any combination of the following factors:
 - (1) A literal enforcement of the provisions of this chapter would result in unnecessary hardship.
 - (2) The variance will not be contrary to the goals and objectives of these regulations.
 - (3) The variance will be in harmony with the spirit and purposes of this chapter and in the public interest.
 - (4) Special conditions applying to the land, buildings, topography, vegetation, sign structures, or other unique matters on adjacent lots or within the adjacent right-of-way, a literal enforcement of the chapter would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly-classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement.

- (c) *Conditions of variances or appeals.* The city council may impose such conditions or requirements in a variance or appeal as necessary to protect the overall character of the community and to achieve the fundamental purposes of this chapter. A violation of such conditions or requirements shall constitute a violation of this chapter. A variance or appeal, if granted, shall be for a specific event, use or other application of business and shall not continue with the property. If a variance or appeal is granted and the sign so authorized is not substantially under construction within six months of the date of approval of the variance or appeal, the variance or appeal shall lapse and become of no force or effect.
- (d) *Vote required.* A concurring vote of a majority of the city council members shall be necessary to approve any variance or appeal from this chapter.
- (e) *Time limitation on order permitting erection of sign.* Variances or appeals from these requirements shall be valid for a period of six months, unless a sign permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

(Ord. No. 17-626-13, § 2(A-25), 3-16-2017)

Sec. 46-26. - Penalty.

- (a) Any individual, association, corporation or legal entity violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in [section 1-13](#).
- (b) The primary beneficiary of any sign installed in violation of this section shall be presumed to have authorized or caused, either directly or indirectly, the installation, use, or maintenance of the sign in violation of this chapter.
- (c) Whenever any construction, installation, alteration, or repair of a sign is being done contrary to the provisions of this chapter, another controlling chapter or statute governing the sign, the ~~code enforcement officer~~designated city staff may order the work stopped by notice verbally or in writing served on any persons engaged in the doing or causing such work to be done and the city shall post a stop work order on the property adjacent to the posted building permit, and any such persons shall forthwith stop such work until authorized by the ~~code enforcement officer~~designated city staff to proceed with the work. If no permit has been issued, all work shall stop until a permit has been properly issued and all errors corrected to the satisfaction of the ~~code enforcement officer~~designated city staff. The ~~code enforcement~~

~~officer~~designated city staff may also issue a work correction order, which shall be served upon any persons who are working on a certain aspect of the sign.

- (d) The city shall enforce this chapter by appropriate administrative action, including but not limited to the rejection of plans, maps, plans and specifications not found to be in compliance with this chapter and good engineering practices, and the issuance of stop work orders.
- (e) Upon the request of the city council, the city attorney or other authorized attorney shall file an action in the district courts to enjoin the violation or threatened violation of this chapter, or to obtain declaratory judgment, and to seek and recover court costs and attorney fees, and/or recover damages in an amount sufficient for the city to undertake any construction or other activity necessary to bring about compliance with a requirement established pursuant to this chapter.
- (f) Removal.
 - (1) In addition to remedies otherwise provided in this chapter, whenever the city has evidence of a sign which after the effective date of the ordinance from which this chapter is derived was constructed, reconstructed, placed, installed, repaired, maintained, relocated, altered, or used in violation hereof, or is otherwise in violation hereof, the ~~code enforcement officer~~designated city staff shall require the party responsible for such sign to remove it. If the responsible party fails to remove the sign within 72 hours after being notified to do so or if it appears to the ~~code enforcement officer~~designated city staff that the sign poses an immediate danger to the public, then such sign may be removed by the city and the city's actual cost of removal shall be charged to the responsible party. Any sign so removed shall be impounded and shall not be returned to the party responsible until all applicable charges are paid. If any sign remains unclaimed for a period of more than 30 days, the city may destroy, sell, or otherwise dispose of the sign.
 - (2) The city shall have the authority to immediately remove and dispose of signs deemed in violation of this chapter, if such signs are placed on or attached to trees, utility poles, or pedestals, or located on any public land or public right-of-way. The city may enforce this section without notice and without returning the removed signs to the responsible party.
 - (3) The city shall not be held liable for damage to said signs during the removal or storage of the signs by the city.

(Ord. No. 17-626-13, § 2(A-26), 3-16-2017)

Sec. 46-27. - Relationship to other chapters.

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

(Ord. No. 17-626-13, § 2(A-27), 3-16-2017)