

ORDINANCE NO. 172

AN ORDINANCE ENTITLED "THE SIGN ORDINANCE" TO ESTABLISH; THE RULES GOVERNING THE USE SIGNS FOR COMMERCIAL COMMUNICATIONS IN THE CITY; PROVISION OF THE CALCULATION AND PAYMENT OF FEES FOR SUCH USE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the CITY OF SOUTHSIDE PLACE, TEXAS (the "City") seeks to regulate and coordinate the type, placement and scale of signs within the land use zones of the City; and

WHEREAS, in accordance with federal and state laws, the City seeks to exercise its historical rights to control and manage signage and to receive fair and reasonable compensation for the use; and

WHEREAS, the need exists to regulate and coordinate signs now located or proposed in the City, necessitate of the adoption of this Ordinance,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTHSIDE PLACE, TEXAS:

Section I. Purpose & Scope

Section 1.01. Purpose

The purpose of this Ordinance shall be to coordinate the type, placement, and scale of signs within the different land-use zones to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the height, size, and location of signs, without regard to the messages displayed on them. The use of signs is regulated according to zone. The placement and scale of signs are regulated primarily by type and length of street frontage.

Section 1.02. Scope

This Ordinance shall not regulate official traffic or governmental signs; the message of signs; signs not intended to be viewed from a public right-of-way; flags of any nation or government; religious or holiday ornaments and decorations; display of street numbers; hours of operation; public safety information; or anything not defined as a sign.

Section II. Definitions

Section 2.0. Definitions

Certain terms are defined for the purposes of this Ordinance as follows:

Abandoned Sign – A sign which no longer contains copy, and/or for which no legal owner can be found.

Administrator – The City building official or his designated representative.

Awning or Canopy – A shelter projecting from and supported by the exterior wall of a building constructed of rigid or nonrigid materials on a supporting framework.

Awning/Canopy Sign – A sign painted on, printed on, or attached to the surface of an awning a canopy.

Balloon Sign – A sign comprised of one or more inflatable bags, made of nonporous material and filled with air or gas.

Banner Sign – A sign with or without characters, letters, illustrations, or ornamentation, that is made of fabric or any nonrigid material with no enclosing framework. A “Flag” is separately defined and regulated but is also a display made of fabric with no enclosing framework.

Building – The primary structure located on real property used for commercial business purposes or single-family dwellings.

City – Unless the context clearly discloses a contrary intent, the word “City” shall mean the City of Southside Place, Texas.

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

Commercial Sign – Means a sign that is:

(1) Intended to be leased, or for which payment of any type is intended to be or is received, for the display of any good, service, brand, slogan, message, product, or company, except that the term does not include a sign that is leased to a business entity and located on the same property on which the business is located; or

(2) Located on property owned or leased for the primary purpose of displaying a sign.

Copy – The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

Double-Faced Sign – A sign with two faces, essentially back-to-back located on a freestanding sign structure.

Electrical Sign – A sign or sign structure in which electrical wiring, connections, or fixtures are used.

Façade – The entire building front including the parapet.

Face of Sign – The area of a sign on which the copy is placed.

Flag – A display made of fabric with no enclosing framework.

Frontage – The length of the property line of any one premise along a public right-of-way on which it borders.

Frontage Building – The length of an outside building wall on a public right-of-way.

Height (of a Sign) – The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

Human or Sandwich Board Sign – A sign held or attached to a human being for the purpose of advertising or otherwise drawing attention. This may also include a person dressed in costume for the purpose of advertising or drawing attention.

Illegal Sign – A sign which does not meet the requirements of this Ordinance and which has not received legal non-conforming status.

Illuminated Sign – A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign, including a sign having any type of intermittent illumination, such as flashing, revolving, or blinking lights.

Individual Business Monument Sign – A sign mounted directly to the ground with copy for an individual business.

Lot – A parcel of land legally defined on a subdivision map recorded with the assessment department or land registry office, or a parcel of land defined by a legal record or survey map.

Maintenance – For the purposes of this Ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Monument Sign – A sign mounted directly to the ground.

Multi-Letter/Numeric Sign – A sign placed on a homeowner's property consisting of individual letters, numbers and/or symbols that together form a single message.

Multi-Tenant Monument Sign – A sign or signs mounted directly to the ground with copy for the various businesses located in a shopping center.

Nonconforming Sign –

(1) A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

(2) A sign which does not confirm to these Ordinance requirements, but for which a special permit has been issued.

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

Owner – A person recorded as such on official records. For the purposes of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrator.

Person – Any individual, corporation, association, firm, partnership, or similarly defined interest.

Portable Sign – Signs on trailers, with or without wheels, and those signs not permanently attached to real property.

Premises – A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Projecting Sign – A sign attached to and projecting from the exterior wall.

Roof Sign – Sign attached or mounted on the roof of any structure.

Sign – Any device, structure, fixture, or placard using graphics, symbols, and/or written copy.

Snipe Sign – A sign or poster affixed to a tree, fence, etc.

Temporary Sign – A sign not constructed or intended for long-term use.

Traffic or Government Sign – Any temporary or permanent sign erected and maintained by the city, county, state, or federal government.

Use – The purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

Wall Sign – A sign attached essentially parallel to, and extending not more than twenty-four (24) inches from the exterior wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and cabinet signs.

Wind Device Sign – A pennant, balloon, or similar sign made of cloth, canvas, plastic, or other flexible material, with or without a frame or other supporting structure, that moves or is designed or intended to move or blow in the wind.

Window and Door Sign – A sign visible from the public right-of-way, that is affixed to or mounted behind the interior surface of a window or door or placed immediately behind a window pane.

Yard Sign – A sign, of six (6) square feet or less, placed on a homeowner's property.

Section III. General Provisions

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the City of Southside Place, Texas, except in accordance with the provisions of this Ordinance.

Section 3.01. Permit Required

Unless otherwise provided by this Ordinance, all signs shall require permits and payment of fees as described in Section 3.06 of this Ordinance. New tenants will be required to obtain a permit when a sign is changed to reflect new tenants.

Section 3.02. Maintenance

All signs shall be properly maintained and shall be in good working condition. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Administrator shall have the right under Sec. 7.09 to order the repair or removal of any sign which is not maintained properly, is defective, is damaged, or is substantially deteriorated.

Section 3.03. Lighting

All signs may be illuminated in commercial zoning districts. Provided however, flashing, strobe, or any other lighting that interferes with traffic visibility, or any lighting that constitutes a traffic hazard are prohibited.

Section 3.04. Sign Contractor's License

No person may engage in the business of erecting, altering, relocating, constructing, or maintaining signs without a valid contractor's license and all required city, state and federal licenses.

Section 3.05. Indemnification and Insurance

All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way of property shall agree to hold harmless and indemnify the City, its officers, agents, and employees, against any and all claims of negligence resulting from such work.

Any contractor hired by a sign owner to install, maintain, improve, restore, or remove a sign within the City shall not commence work until they have obtained the insurance required within this section. All insurance cover pages shall be with insurance carriers reasonably

acceptable to the City. Each contractor is responsible to meet all OSHA requirements for on-the-job safety. The sign owner and any of its contractors hired by the sign owner shall procure and maintain during the life of this permit the following coverages:

- (a) Workers' Compensation Insurance in accordance with all applicable statutes of the State of Texas. Coverage shall include Employers Liability Coverage.
- (b) Commercial General Liability Insurance on an "occurrence" basis with limits of liability not less than \$1,000,000 per occurrence and aggregate combined single limit, personal injury, bodily injury and property damage. Coverage shall include the following extensions:
 - (1) Contractual Liability
 - (2) Products and Completed Operations
 - (3) Independent Contractors Coverage
 - (4) Broad Form General Liability Extension or Equivalent
 - (5) Coverage for X, C, and U Hazards
- (c) Motor Vehicle Liability Coverage, including the State of Texas no-fault coverages for all vehicles used in the performing of the contract. Limits of liability shall not be less than \$1,000,000 per occurrence combined single limit bodily injury and property damage with a maximum deductible pursuant to the City's building standards.
- (d) Additional Insured. Commercial General Liability Insurance as described above shall include an endorsement stating the City, including all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and their board members, employees, and volunteers, shall be an additional insured.
- (e) Cancellation Notice. Workers' Compensation Insurance, Commercial General Liability Insurance, and Motor Vehicle Liability Insurance as described above shall include an endorsement stating that thirty (30) days advance written notice of cancellation, non-renewal, reduction, and/or material change shall be sent to:

City of Southside Place, Texas
City Manager
6309 Edloe
Houston, Texas 77005
- (f) Proof of Insurance. The sign owner, and any of its contractors hired by the sign owner, shall prior to construction of a sign, supply certificates of insurance naming the City as an additional insured.

Section 3.06. Permit Fees

The Administrator shall charge the owner of a sign permit fees as set forth herein, or as established by the City Council after the effective date of this Ordinance.

- a. Permit review fee \$300.00 per sign.

Section IV. Signs Allowed in Various Zones

Section 4.01. Signs Allowed in Commercial Zoning Districts

The following signs are allowed in commercial zoning districts subject to the terms and conditions contained herein, to-wit:

- A. Signs allowed:
 - (a) Awning/Canopy Signs.
 - (b) Double-Faced Signs.
 - (c) Multi-Tenant Monument Signs.
 - (d) Individual Business Monument Signs.
 - (e) Illuminated Signs, including illuminated Window and Door Signs.
 - (f) Wall Signs.

Any other sign not specifically authorized herein is prohibited.

- B. Signs allowed, not requiring a permit: nonilluminated Window and Door Signs.

C. For businesses located in shopping centers, (a contiguous structure with multiple tenants), there is allowed:

- (a) One (1) Multi-Tenant Monument Sign for the tenants in that shopping center. The size of the Multi-Tenant Monument Sign shall not exceed eighteen (18) feet in height, and contain no more than two sign faces, each with no more than three hundred (300) square feet of signage.
- (b) Each tenant may have one Wall or Awning/Canopy Sign, no greater than 15% of that portion of the building façade of the tenant, or 300 square feet, whichever is less.

- (c) Each tenant may have Window and Door Signs, illuminated and nonilluminated, which shall not exceed 25% of the total window and door area of a single building elevation.
- D. For individual businesses, not located in a shopping center, there is allowed:
- (a) One (1) Monument Sign, not to exceed six and one-half (6-1/2) feet in height, and contain no more than two sign faces, each with no more than one hundred (100) square feet of signage.
 - (b) One (1) Wall or Awning/Canopy Sign, no greater than 15% of the area of the wall or façade upon which it is located, or 300 square feet, whichever is less.
 - (c) Window and Door Signs, illuminated and nonilluminated, which shall not exceed 25% of the total window and door area of a single building elevation.
- E. Other terms and conditions applicable to any signs requiring a permit in a commercial district:
- (a) No work may be started before permit issued.
 - (b) All signs must be installed by a registered contractor. All other signs requiring electrical connections must be installed by a registered and licensed contractor.
 - (c) Each Wall Sign must be centered over lease space.
 - (d) Each Wall Sign must have at least a one (1) foot clearance above and below sign band.
 - (e) Each Illuminated Sign, other than a Window and Door Sign, must be on a separate (electrical) circuit. Electricians must apply for an electrical permit from the City.
 - (f) Drain holes may be applicable for each sign.
 - (g) Signs must have a manufacturer's label if applicable.
 - (h) No sign may be placed or designated so as to simulate or interfere with traffic control devices or roadway directional/information signs.
 - (i) Portable, Roof, Commercial, Projecting, Snipe, or any other sign not specifically permitted herein are prohibited.

- (j) When installation of a sign requires pouring of concrete, the Administrator shall be notified prior to the concrete pour and will inspect the foundation preparation and pouring process.
- (k) All signs shall be placed on the sign owner's property and set back at least two (2) feet from a public street right-of-way line.

Section 4.02. Signs Allowed in Single-Family Zoned Districts

The following types of signs are the only signs allowed to be in single-family zoned districts. All signs must be placed on the homeowner's property. No permit is required for the signs set forth below.

- (a) Balloon Signs, not to be displayed more than seven (7) consecutive days in any 60-day period.
- (b) Banner Signs, not to exceed 40 square feet, and not to be displayed more than seven (7) consecutive days in any 60-day period.
- (c) Flags, not otherwise exempt, and not to exceed 3 feet by 5 feet, nor be displayed more than seven (7) consecutive days in any 60-day period.
- (d) Multi-Letter/Numeric Sign, not to be displayed more than seven (7) days in any 60-day period.
- (e) Yard Signs of six (6) square feet or less, not to exceed a total of four (4) per property.

Section V. Nonconforming Signs

Section 5.01. Determination of Legal Nonconformity

Existing signs which do not conform to the specific provisions of the Ordinance may be eligible for the designation "legal nonconforming" provided that:

- (a) The Administrator determines such signs are properly maintained and do not in any way endanger the public.
- (b) The sign was installed in conformance with a valid permit or variance, or complied with all applicable laws on the date of adoption of this Ordinance.

Section 5.02. Loss of Legal Nonconforming Status

A legal Nonconforming Sign may lose this designation if:

- (a) The sign is relocated, removed, replaced, or substantially damaged. Substantially damaged means the cost of repairing the damage exceeds 50% of the cost of erecting the same sign.
- (b) The structure or size of the sign is altered in any way except toward compliance with this Ordinance. This does not refer to change of copy or normal maintenance.
- (c) For Awning/Canopy Signs, Wall Signs, or Window and Door Signs, more than 50% of the total exterior wall length of the attendant building is repaired or altered.

When a sign loses its non-conforming status, the existing signs must be removed or replaced by the Owner in compliance with this Ordinance.

Section 5.03. – Maintenance and Repair of Nonconforming Signs

The legal nonconforming sign is subject to all requirements of this Ordinance regarding safety, maintenance, and repair.

Section VI. Construction Specifications

Section 6.01. Construction Specifications

All signs shall be installed in compliance with building and electrical codes as required by the Administrator. Signs should be designed to withstand 90 mile-per-hour winds.

Section VII. Administration and Enforcement

Section 7.01. Code Administrator

The Administrator shall be appointed by the City Manager and is authorized to process applications for permits and variances, hold public hearings as required, and enforce and carry out all provisions of this Ordinance. The Administrator is authorized to promulgate regulations and procedures consistent with this function.

The Administrator is empowered, upon presentation of proper credentials, to enter or inspect any building structure, or premises in the City for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists.

Section 7.02. Application for Permits

Application for a permit for the erection or relocation of a sign shall be made to the Administrator upon a form provided by the Administrator and shall include, but not limited to, the following information:

- (a) Name, address and telephone number of the owner of the sign.

- (b) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
- (c) The type of sign or sign structure as defined in this Ordinance.
- (d) A site plan with measurements showing the proposed location of the sign along with the locations of all existing signs on the same premises.
- (e) Specifications and drawings showing the materials, design, copy, dimensions, structural supports, and electrical components of the proposed sign.

Section 7.03. Permit Fees

All applications for permits filed with the Administrator shall be accompanied by a payment of the initial permit fee for each sign as required by the City Council.

Section 7.04. Issuance and Denial

The Administrator shall issue a permit for the erection, structural alteration, or relocation of a sign, provided that the sign complies with all applicable laws and regulations of the City. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

When a permit is denied, the Administrator shall give a written notice to the applicant along with a brief statement of the reasons for denial, citing ordinance sections and interpretation of possible nonconformity. The Administrator may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application.

Section 7.05. Permit Conditions and Refunds

If a permit is denied, the initial permit fee will be refunded to the applicant.

Section 7.06. Inspection Upon Completion

Any person installing, structurally altering, or relocating a sign for which a permit has been issued shall notify the Administrator upon completion of the work. The Administrator may require a final inspection, including an electrical inspection and inspection of footings on freestanding signs.

The Administrator may require at the time of issuance of a permit that written notification for an inspection be submitted prior to the installation of certain signs.

Section 7.07. Variances

When requesting a permit, the applicant may apply to the Administrator for a variance from certain requirements of this Ordinance. A variance may be granted by the City's Board of

Appeals where the literal application of the Ordinance would create a particular hardship for the sign user and the following criteria are met:

- (a) The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.
- (b) Hardship caused the sign user under a literal interpretation of this Ordinance is due to conditions unique to that property and does not apply generally to the City.
- (c) The granting of the variance would not be contrary to the general objectives of this Ordinance and the land use plan.

In granting a variance, the Administrator or the Board of Appeals may attach additional requirements necessary to carry out the spirit and purpose of this Ordinance in the public interest.

The fee for Application for a Variance is \$500.00, to be paid by the Applicant, which amount shall apply to administrative cost incurred by the City to consider the variance requested.

Section 7.08. Violations

When, in the opinion of the Administrator, a violation of the Ordinance exists, the Administrator shall issue a written order to the alleged violator. The order shall specify those sections of the Ordinance which the individual may be in violation of and shall state that the individual has fifteen (15) days from the date of the order in which to correct the alleged violation or to appeal to the City Board of Appeals.

If, upon inspection, the Administrator finds that a sign is abandoned or structurally, materially or electrically defective, or otherwise nonconforming, or in any way endangers the public, the Administrator shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within five (5) days of the date of the order.

In cases of emergency, the Administrator may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as defined in the local building or traffic codes.

Section 7.09. Removal of Signs by The Administrator

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

If the amount specified in the notice is not paid within fifteen (15) days of the notice, it shall become an assessment upon a lien against the property of the sign owner, and will be certified as an assessment against the property together with a ten percent (10%) penalty for collection in the same manner as the real estate taxes.

The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Administrator, as in the case of a leased sign.

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

The owner of the sign removed by the City shall be responsible to pay the City for the cost incurred to remove the sign.

Section 7.10. Penalties

Any person who fails to comply with the provisions of this Ordinance may be subject to a fine of \$200.00 per violation, per day.

Section 7.11. Appeals

Any failure to respond to an application within five (5) days of receipt of any decision rendered by the Administrator in denying a permit or variance or in alleging a violation of this Ordinance must be appealed to the City's Board of Appeals within fifteen (15) days of the Administrator's decision.

The action being appealed shall be held in abeyance pending the decision of the Board of Appeals.

Section VIII. Conflict, Severability, And Effective Date

Section 8.01. Conflict

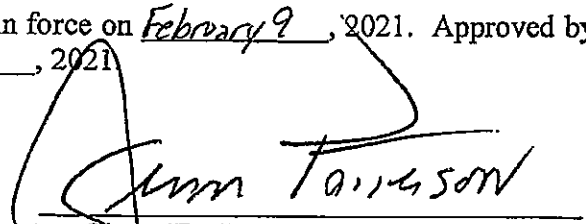
If any portion of this Ordinance is found to be in conflict with any other provision of any zoning, building, fire, safety, or health ordinance of the City Code, the provision which establishes the higher standard shall prevail.

Section 8.02. Severability

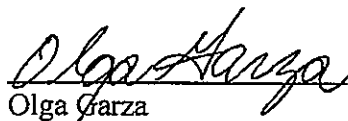
If any section, subsection, sentence, clause, or phrase of this Ordinance or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this Ordinance, or the application of the provision to other persons or circumstances is in effect and shall remain in full force and effect.

Section 8.03. Effective Date

This Ordinance shall take effect and be in force on February 9, 2021. Approved by the City Council this 9th day of February, 2021


Glenn "Pat" Patterson
Mayor

ATTEST:


Olga Garza
City Secretary

