

ORDINANCE NO. 2011-003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLMEAD, TEXAS RELATING TO THE CONSTRUCTION, MAINTENANCE, PLACEMENT, CONFIGURATION AND USE OF SIGNS WITHIN THE CITY LIMITS OF THE CITY OF BELLMEAD; REPEALING SECTIONS 17-1 THROUGH 17-5, APPENDIX A-SECTION V (A) 9 A, B & C, AND APPENDIX-A SECTION VII (A) 2, OF THE CODE OF ORDINANCES AS THE SAME EXISTED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE; MAKING FINDINGS REGARDING THE PURPOSE OF THE ORDINANCE; PROVIDING DEFINITIONS; PROVIDING FOR PERMITS AND A PERMITTING PROCESS; PROHIBITING CERTAIN SIGNS; REQUIRING COMPLIANCE; PROVIDING FOR OFF PREMISE SIGN REGULATION; PROVIDING STANDARDS AND CRITERIA FOR SIGNS; PROVIDING LIMITED EXEMPTIONS FOR NON-CONFORMING SIGNS; PROVIDING FOR VARIANCES; AUTHORIZING CRIMINAL AND CIVIL ENFORCEMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING THAT THE ORDINANCE WAS ADOPTED AT AN OPEN MEETING

WHEREAS, the City Council of the City of Bellmead, Texas finds that it is in the best interest of the City and its citizens to protect the health, safety and general welfare of the City through the adoption of a comprehensive sign ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLMEAD, TEXAS AS FOLLOWS:

Section 1. Sections 17-1 through 17-5, Appendix A-Section V (A) 9 a, b & c, and Appendix-A Section VII (A) 2, of the Code of Ordinance of the City of Bellmead as they have existed immediately prior to the effective date of this Ordinance are repealed.

Section 2. The following provisions are adopted as Sections 17-1 through 17-39 to the Code of Ordinances of the City of Bellmead:

ARTICLE I. ENACTMENT PROVISIONS

Sec. 17-1 Name

This Ordinance shall commonly be referred to as the Bellmead “Sign Ordinance.”

Sec. 17-2 Purpose

This Ordinance provides standards for the erection and maintenance of signs within the City of Bellmead. All signs not exempted as provided in this Ordinance shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public, and in part to achieve the following:

- (1) Safety:** To promote the safety of persons and property by providing that signs do not:
 - (a) Create a hazard due to collapse, fire, decay or abandonment;
 - (b) Obstruct firefighting or police surveillance;

(c) Create traffic hazards by confusing or distracting pedestrians, obstacles or other vehicles or to read traffic signs; or

(d) Become obstacles that hinder the ability of pedestrians or motorists to read traffic signs.

(2) Communications efficiency: To promote the efficient transfer of information in sign messages provided that:

(a) Those signs which provide public safety messages and information are given priorities;

(b) Businesses and services may identify themselves;

(c) Customers and other persons may locate a business or services;

(d) No person or group is arbitrarily denied the use of the sight lines from the public rights-of-way for communication purposes;

(e) 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 such messages, according to the observer's purpose; and

(f) Preserve the right of free speech exercised through the reasonable use of signs.

(3) Landscape quality and preservation: To protect the public welfare and to enhance the appearance and economic value of the landscape, by providing that signs:

(a) Do not interfere with scenic views;

(b) Do not create a nuisance to persons using the public rights-of-way;

(c) Do not create a nuisance to occupants of adjacent and contiguous property by their brightness, size, height, or movement;

(d) Are not detrimental to land or property values;

(e) Do not contribute to visual blight or clutter; and

(f) Are architecturally compatible and harmonious with the structure to which they pertain and to neighboring structures.

Sec. 17-3 Scope

This Ordinance provides regulatory standards throughout the City's incorporated municipal boundaries and its entire extraterritorial jurisdiction.

Sec. 17-4 Definitions.

Words and phrases used in this Ordinance shall have the meanings set forth in this section. Words and phrases, which are not defined in this Ordinance but are defined in other ordinances of the City of Bellmead, shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this Ordinance.

(1) Administrator: The City Manager or his designee, whose responsibility it is to administer the provisions of this ordinance. These activities may include, but are not limited to, reviewing applications for sign permits, corresponding and/or meeting with applicants, issuing and denying sign permits, inspecting signs and interpreting and enforcing the provisions of this ordinance.

(2) Advertising Devices: Banners or streamers affixed to poles, wires, or ropes, wind operated devices, flashing lights, and other similar contrivances.

(3) Area (Sign Area): The largest area of the sign visible at any one time from any one point enclosed by a single continuous perimeter including any framing or trim enclosing a message, but not including any structural parts lying outside the limits of such sign which does not form an integral part of the message display. The sign area shall be measured on only one side of a double-faced sign provided that the two faces are parallel to each other and provided that the faces are the same size and share a common structural support.

(4) Awning: Any structure made of cloth or metal with a frame attached to a building which may be fixed or can be retracted to a position flat against the building when not in use. An approval of a right-of-way license by the City Council is required for sign projection into the public street right-of-way.

(5) Canopy: Any structure, other than an awning, made of cloth or metal with a frame attached to a building which is carried by a frame supported by the ground or sidewalk. An approval of a right-of-way license by the City Council is required for sign projection into the public right-of-way, even if legs of a canopy sign project into sidewalk.

(6) Curb Line: An imaginary line drawn along the outermost part or 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.

(7) Erect: To build, construct, attach, hang, install, place, suspend, or affix. The term also includes the painting of signs, unless the painting constitutes routine maintenance or repair of a pre-existing sign.

(8) Façade: Any separate face of a building, which encloses or covers usable space.

(9) Face, Facing or Surface: The surface of the sign, excluding structural trim or supports, upon, against, or through which the message is displayed or illustrated on the sign.

(10) Free Standing Service Facility: Automatic bank teller machine, film photo finishing outlet or other similar facility located in a free-standing structure devoted solely to such use as an accessory to one or more principal buildings.

(11) Frontage, Building: The length of a building that faces a street, parking area or private drive.

(12) Frontage, Lot: The length of that part of a lot that fronts a public street.

(13) Height (Sign Height): The vertical distance between the base of the sign at the nearest natural or finished grade to the highest part of the sign or any attached component.

(14) Incombustible Material: Any material which will not ignite at or below a temperature of 1200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

(15) Responsible Person: Any person who erects, relocates, expands or structurally alters a sign within the City of Bellmead. The term includes a person who owns, rents or leases the property upon which a sign is erected, relocated, expanded, or structurally altered within the City. The term also includes a person who owns a sign or the structure upon which a sign is placed or publicly displayed.

(16) Ordinary Repairs and Maintenance: Routine upkeep of existing signs, such as painting, patching holes, replacing hardware, replacing light bulbs. This term does not include alterations to the size, shape, orientation, height, or location. Ordinary repairs and maintenance does not require a City permit.

(17) Outparcel: A structure, building, lot, or other facility that services or is otherwise a part of a larger property or enterprise but which is detached from or located a distance from the larger property.

(18) Permittee: A person receiving a permit pursuant to the provisions of this Ordinance.

(19) Person: Any natural person, firm, partnership, association, corporation, company or organization of any kind.

(20) Setback Clearance Zone: That area enclosed by drawing an imaginary line connecting two points located within fifteen (15) feet of the property line of any corner of a street intersection, street/driveway intersection, or street/alley intersection, within which signs are prohibited. The setback clearance zone prevents signage from interfering with the line of site for pedestrian and vehicular traffic.

(21) Sign: An outdoor structure, display, light device, painting, drawing, message, plaque, poster, billboard, writing, pictorial representation, illustration, emblem, symbol, design or other thing that is designed, intended or used to advertise or inform.

(22) Sign, Agricultural: A sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals or poultry raised or quartered thereon.

(23) Sign, Apartment Name: A sign for the identification of an apartment building or complex of apartment buildings.

(24) Sign, Awning: An on-premise sign that is mounted or painted on or attached to an awning, canopy or marquee such that the sign does not project more than one (1) foot above, below or beyond the physical dimensions of the awning, canopy, or marquee.

(25) Sign, Billboard: An off-premises sign having a total surface area that exceeds one hundred (100) square feet. Billboards are prohibited. No person shall erect a billboard.

(26) Sign, Bulletin Board: A particular type of changeable copy sign that displays copy in a casement made of glass or plexiglass.

(27) Sign, Canopy: An on -premise sign that is mounted or painted on or attached to an awning, canopy or marquee such that the sign does not project more than one (1) foot above, below or beyond the physical dimensions of the awning, canopy, or marquee.

(28) Sign, Changeable Copy: A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

(29) Sign, Conforming: A sign that met all legal requirements when constructed and in compliance with this ordinance. An illegal sign is not a nonconforming sign.

(29) Sign, Construction: A temporary sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator or mortgagee engaged in the design, construction or improvement of the premise on which the sign is located.

(30) Sign, Development: A temporary sign related to the promotion of new land developments and located on the premises involved in the development.

(31) Sign, Directional: A sign that provides on-site directional assistance for the convenience of the public such as location of exits, entrances, and parking lots.

(32) Sign, Double Faced (*Back to Back*): An advertising structure with two closely located signs with faces in opposing directions, with less than a 15 degree angle between the sign faces. Any structure with more than a 15-degree angle between sign faces will constitute two signs.

(33) Sign, Flashing: A sign, the illumination of which is not constant in intensity when in use, and continually changes with a sudden burst of bright light.

(34) Sign, Free-Standing: Any sign supported by uprights or braces placed into or upon the ground and not attached to any building. Standards for off-premise advertising are addressed separately in Section 5, below.

(35) Sign, Home Occupation: Any sign located on a residential tract upon which the owner/occupant of the residence operates a small business as a secondary use, and the home occupation is otherwise authorized under City Ordinance.

(36) Sign, Illuminated Directly: A sign illuminated by an internal light source.

(37) Sign, Illuminated Indirectly: means a sign illuminated by an external light source directed primarily toward such sign.

(38) Sign, Institutional: A sign identifying or giving directions to a school, church, hospital or similar public or quasi-public institution.

(39) Sign, Electronic: Uses screens as the digital display sign where content may be displayed as an image.

(40) Sign, Marquee: See “Sign, Awning.”

(41) Sign, Monument: A freestanding sign with a base affixed to the ground, which is greater in height than width.

(42) Sign, Nonconforming: A sign that met all legal requirements when constructed but that is not in compliance with this ordinance. An illegal sign is not a nonconforming sign.

(43) Sign, Moving: Any sign which moves or has moving parts other than parts which indicate time or temperature.

(44) Sign, Name Plate: A sign, which is located on the premises, giving the name and/or address of the owner or occupant of a building or premise.

(45) Sign, Off-Premise: A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located. The term also includes a sign that does not refer exclusively to the name, location, persons, accommodations, sale, lease, construction, or activities of or on the premises where it is erected.

(46) Sign, Political: A sign announcing or advocating support of candidates for public office or ballot propositions connected with any local, state or federal election.

(47) Sign, Portable: A transportable sign of durable construction on wheels, skids, legs, or framing including trailers and searchlights, the principal intent of which is for advertising or promotional purposes, and which is not designed nor intended to be permanently affixed to a building, or other structure or the ground. All portable signs shall comply with window load calculations as determined by the International Building Code.

(48) Sign, Projecting: Any sign which is attached to a building or other structure and extends beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached. A marquee is a projecting sign for this portion of the ordinance. Horizontal Projecting Sign means any sign, which is greater in width than in height. Vertical Projecting Sign means any sign, which is greater in height than in width.

(49) Sign, Temporary Subdivision Layout: An on-premise sign showing the plat of a new subdivision consisting of six or more lots.

(50) Sign, Temporary: Any sign that is used temporarily and is not permanently mounted, constructed of cardboard, cloth, canvas, fabric, plywood, or similar lightweight material. A portable sign is not a temporary sign.

(51) Sign, Tourist: Tourist-oriented directional signs are guide signs with one or more panels that display the business identification of and directional information for business, service, and activity facilities. Such signs shall comply with the Texas Department of Transportation rules and guidelines.

(52) Sign, Wall: An on-premise sign affixed to, or painted on, the facade of a building such that the wall is the supporting structure for, or forms the background surface of the sign and which does not project more than eighteen (18) inches perpendicular to the wall. A wall sign shall include canopy signage associated with gasoline service stations and shall be limited to gas price, name, and company identification.

(53) Structural Trim: The molding, battens, capping, nailing strips, lattice, and platforms, which are attached to the sign structure.

(54) Temporary Real Estate Signs:

A sign not to exceed four (4) square feet, that advertises the sale, rental or lease of the premises upon which the sign is located.

ARTICLE II. SIGN PERMITS

Sec. 17-5 Permit Required

Except as provided in the section of this ordinance on nonconforming signs, it is unlawful for any person to erect, construct, expand, relocate, or structurally alter, within the City of Bellmead, any sign without first obtaining a permit from the City and paying the required fee(s). No permit is required for ordinary repair and maintenance. Failure to obtain a required sign permit subjects the property owner/lessee to enforcement action under this Ordinance as a responsible person. A permit is required to reconstruct a damaged or deteriorated non-conforming sign. A permit is not required for demolition of a sign.

Sec. 17-6 Application for Sign Permit

Application for a sign permit must be made on a form provided by the Administrator and shall contain and have attached the following information:

- (A)(1) Name, address and telephone number of the applicant;
- (2) Name and firm of person erecting sign;
- (3) If applicant is not the owner of real property where sign is proposed to be erected, written consent of the property owner;
- (4) Location of building, structure, address or legal lot and block to which or upon which the sign is to be attached or erected;

(5) A site plan indicating position of the proposed sign and other existing advertising structures in relation to nearby buildings or structures, north arrow, and scale of drawing, property lines, curb lines, adjacent streets, alleys, curb cuts, setback clearance zone.

(6) Statement indicating whether the sign will require electricity. If so, the sign shall comply with the National Electrical Code, or any successor code enacted by the City.

(7) Type of sign (e.g., monument, wall) and general description of structural design and construction materials.

(8) Copy of permit approved by Texas Department of Transportation, McLennan County, or successor agencies, if state law requires a state permit.

(9) Such other information as the Administrator requests to show full compliance with this and all other standards of the City. The City is not required to act upon a permit application until it is deemed by the Administrator to be administratively complete.

(B) A final inspection by the Administrator or his designee shall be completed after installation of all approved signs. Any discrepancies between an approved sign and a sign as constructed shall be identified in writing and may result in the halt of construction or sign removal, if so ordered by the Administrator.

(C) If an approved sign is not erected within a period of six (6) months from the date the permit was originally issued, the permit shall expire and become null and void.

Sec. 17-7 Permit Issuance

(1) Consideration, evaluation, and approval or denial of applications for sign permits will be performed by the Administrator. Upon the filing of an administratively complete application for a permit, the Administrator shall take action on the permit application within forty-five (45) days of receipt of the application unless the applicant requests a voluntary postponement. The Administrator *shall*:

(A) Examine the plans and specifications and the premises upon which the proposed sign shall be erected as needed; and

(B) Issue a permit if the proposed structure complies with the requirements of this Ordinance and all other standards of the City of Bellmead.

(2) If the work authorized under an erection permit is not completed within six (6) months after the date of issuance, the permit shall become null and void.

(3) If the proposed sign, (a) does not comply with the provisions of Chapter 17, or (b) is prohibited, the permit will not be issued.

Sec. 17-8 Permit Fee

(1) Every applicant, prior to issuance of a permit, shall pay the City a nonrefundable fee in an amount determined by current sign permit rates as may from time to time be established and modified by the City Council.

(A) Every applicant, prior to issuance of a permit, shall pay the City a nonrefundable fee in the amount of, one (1) dollar or fraction thereof per total square foot of signage, or fraction thereof per sign.

Sec. 17-9 Revocation of Permit

The Administrator may revoke any permit where there has been a violation of the provisions of this Ordinance or a misrepresentation of fact on the permit application.

Sec. 17-10 Exemptions

The following signs are exempt from the permit requirements of this Ordinance:

(1) **Construction Signs** temporarily identifying the architect, engineer, developer or contractor when placed upon construction sites and not exceeding thirty-two (32) square feet in area. Such signs shall not be erected prior to issuance of a building permit and shall be removed no later than seven (7) days after completion of the project.

(2) **Directional Signs** A sign that provides on-site directional assistance for the convenience of the public such as location of exits, entrances, and parking lots, not exceeding four square feet in area and not in the public right-of-way. Directional signs may be internally lit or illuminated by white light only.

(3) **Flags** of any governmental entity or agency, or any patriotic, religious, charitable, civic, educational or fraternal organization not exceeding forty (40) square feet in area and thirty (30) feet in height.

(4) **Garage Sale Signs** advertising the date, time and location of a garage sale, estate sale, or yard sale and are on private property, are not located within the public right-of-way. These signs shall not exceed four (4) square feet in area, are not artificially illuminated, and do not have moving parts. Such signs shall be posted no more than three (3) days prior to and removed one (1) day after the sale.

(5) **Hand-held Signs** of a not set on or affixed to the ground and not exceeding ten (10) square feet in area and shall not be used or placed in the Right-of-Way and shall not obstruct free and clear vision to any street, egress/ingress of a driveway parking lot, ally, or any street intersection.

(6) **Handicapped Parking Space** Sign that do not exceeding two (2) square feet in area reserving parking spaces for handicapped motorists and shall have a fine amount stated.

(7) **Historic Signs** that are an integral part of the historic character of a landmark building or historic district.

(8) Holiday Signs used as temporary displays or decorations customarily associated with any national, state, local or religious holiday or celebration, and does not exceed a surface area of thirty-six (32) square feet. Such signs shall be erected no more than forty-five (45) days before and removed no later than fourteen (14) days after the celebration.

(9) Home Occupation Signs, provided that there is no more than one sign per residence, and the sign is no larger than twenty-four inches by twenty-four inches (24" x 24") and is setback at least fifteen (15) feet from front property line; and the home occupation is otherwise authorized under City Ordinance.

(10) Public Signs regulating vehicular or pedestrian traffic or designating or giving direction to streets, schools, hospitals, historical sites or public facilities.

(11) Memorial Signs, commemorative plaques or tablets denoting a building name and/or date of erection of a location of historic significance and not exceeding four (4) square feet in area.

(12) Occupational Signs identifying the different tenants occupying a professional office, or commercial building not exceeding two (2) square feet in area.

(13) Political Signs containing primarily a political message if the political signs are on private property, are not located within the public right-of-way, do not exceed a surface area of thirty-two (32) square feet, and do not have moving parts. Such signs shall be erected no more than forty-five (45) days before and removed no later than fourteen (14) days after the election.

(14) Property Identification Signs indicating address and not exceeding two (2) square feet in area.

(15) Temporary Real Estate signs indicating the availability of real property for lease or sale, located on the premises being leased or sold. Display of such signs shall be limited to two (2) per property not exceeding twelve (12) in height and thirty-two (32) square feet in area for all Zonings. Such signs shall be removed within seven (7) days of the settlement or lease of the property.

(16) Special Events Signs that are temporary and in conjunction with special events such as a philanthropic campaign or church, school, circus, carnival or other community activity. Such signs shall not exceed thirty-two (32) square feet in area, shall not be erected more than fourteen (14) days in advance of the event and shall be removed within three (3) days after the termination of the event. A single temporary sign in conjunction with a special event such as "Grand Opening" or "Special Sale" shall not exceed thirty-two (32) square feet in area. It shall not be erected more than fourteen (14) days in advance of the event and shall be removed within one (1) day after the termination of the event. A temporary sign advertising a regular monthly event shall not exceed thirty-two (32) square feet in area and shall not be erected more than three (3) days in advance of the event and shall be removed within one (1) day after the termination of the event.

(17) Window Signs attached to the inside of a window which do not exceed twenty-five (25%) percent of the area of the windowpane, which otherwise complies with the all other building and fire codes.

ARTICLE III. PROHIBITIONS

Sec. 17-11 Compliance Required

No person shall erect, construct, relocate, expand or structurally alter signs in the City's incorporated municipal boundaries without complying with this Ordinance.

Sec. 17-12 Permits Required

It is unlawful to erect or maintain a sign in violation of the permit requirements of this Ordinance.

Sec. 17-13 Discontinued Content

It is unlawful to publicly display a sign in excess of ninety (90) days advertising a business, proposition or project that has concluded. It is unlawful to publicly display a sign that does not contain any message for a period of one (1) year or more. Such a discontinued sign is required to be removed.

Sec. 17-14 Obstructions Prohibited

It is unlawful to erect or maintain a sign in a manner that prevents free ingress to or egress from any door, window or fire escape.

Sec. 17-15 Traffic Hazards Prohibited

No sign shall:

(1) Obstruct free and clear vision at any street intersection.

(2) Interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device because of its position, shape or color.

(3) Make use of the words "STOP", "LOOK", "TURN", "DANGER" or any other word, phrase, symbol or character in a manner that interferes with, misleads or confuses traffic.

(4) Present a traffic hazard by using illumination resembling an emergency signal.

Sec. 17-16 Safety Hazards Prohibited

No sign or other advertising structure may constitute a hazard to safety or health by reason of inadequate design, construction, repair or maintenance and if so, may be declared a public nuisance and be forwarded to the Administrator for action.

Sec. 17-17 Right-of Way

No signs may be erected or placed upon the public right-of-way or affixed to any public utility poles. This prohibition does not apply to governmental entities or utilities, their agents or assigns except as permitted in **Sec. 17-27**

Sec. 17-18 Obscenity Prohibited

No sign shall display any matter in which the dominant theme of the material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.

Sec. 17-19 Prohibited Categories of Signs

Subject to the provisions of Sections 17-28 – 17-33 relating to Nonconforming Signs, the following types of signs are strictly prohibited within the city limits:

- (1) Flashing signs
- (2) Bench Signs; except approved by Waco Transit and City Council
- (3) Signs mounted on trash receptacles not including those indicating ownership of receptacles.
- (4) Billboard Signs
- (5) Roof Signs
- (6) Portable Signs

ARTICLE IV. OFF-PREMISE SIGNS

Sec. 17-20 Standards

- (1) **Spacing:** No off-premise sign may be erected within 100 feet of another off-premise sign.
- (2) **Area:** No off-premises sign may exceed a total surface display area per face of thirty-two (32) square feet.
- (3) **Faces:** An off-premise sign may be single-faced or double-faced, but may not contain more than one face on each side of the display. Goal post structures will not be allowed.
- (4) **Height:** An off-premise sign must be no more than ten (10) feet in height. Sign height is measured from the grade level of the centerline of the main-traveled way closest to the sign, at a point perpendicular to the sign location.
- (5) **Setback:** An off-premise sign shall be set back at least twenty (20) feet from any property line, measured from the closest part of the sign.
- (6) **Residential zone:** Any off-premise sign shall not be permitted if property zoned residential is located between the sign location and the roadway toward which the sign would be oriented.
- (7) **Identification:** An off-premise sign must be permanently identified with the name of the sign owner or operator with letters of sufficient size to be easily read from the nearest roadway.
- (8) **Consent:** No part or foundation or support of any off-premise sign may be placed on, in, or over any private property without the written consent of the property owner.

Sec. 17-21 Encroachment

No part or foundation or support of any off-premise sign may be placed on, in, or over any public property or street rights-of-way, or upon telephone or utility poles, or natural features such as trees and rocks.

Sec. 17-22 Protected vegetation

Notwithstanding any other provision or other applicable law or regulation, no person shall remove, cut, or otherwise alter any vegetative screening on public property or private

landscaping required by ordinance as a condition of permit approval in order to improve the visibility of a nearby off-premise sign.

Sec. 17-23 Maintenance

Whenever the Administrator finds that any sign that is a nonconforming use is not maintained in good repair and has not deteriorated more than fifty percent (50%) of its replacement value, the Administrator will notify and order the owner to repair the sign within thirty (30) calendar days. If the sign is not repaired within thirty (30) calendar days, the Administrator shall notify the owner of the sign and the owner of the real property on which the sign is located to remove the sign from the property within a specified time. The Administrator may require the owner to have a sign appraised, by an appraiser, with an affidavit to determine if the sign is more than fifty percent (50%) deteriorated of its replacement value. If the Administrator finds by evidence provided by the sign owner that such sign is deteriorated beyond fifty percent (50%) of its replacement value, than the Administrator shall order such sign to be removed. All signs ordered to be removed shall be permanently stricken from the authorized list of nonconforming uses.

Sec. 17-24 Relocation

When a sign located in the City of Bellmead within the proposed right of way of a state highway or County road is to be relocated to accommodate a State or County highway project and the Texas Department of Transportation issues a permit for relocation of the sign, the City will also issue a permit for a sign that meets all current City standards, except that the relocated sign:

(1) Shall be erected no less than five (5) feet from any highway right of way line;

(2) Shall be constructed with the same number of poles and same type of materials as the existing sign; and

(3) Shall be erected without enlarging the sign face.

ARTICLE V. STANDARDS AND CRITERIA

Sec. 17-25 Generally

The regulations in this section specify the number, types, sizes, heights, and locations of signs, which are, permitted within the City limits of Bellmead, Texas, and which require a permit. Any sign regulations incorporated into a development plan approved by the City Council may supersede all or part of this Section.

(1) Determination of Sign Area: In measuring the area of signs permitted under these regulations, the entire face of the sign (one side only) and any wall work incidental to its decoration shall be included. Where both sides of a sign contain lettering or other allowable display, one side only shall be used to compute the allowable size of the sign. Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or sign face.

(2) Determination of Sign Height: The height of a sign erected within thirty (30) feet of a street shall be the distance from the grade level of the nearest curb of the street to the top of the sign or sign structure, whichever is greater. The height of all signs farther than

thirty (30) feet from a street shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater.

- (3) Street Frontage Requirements for Freestanding Signs: Freestanding signs shall be permitted only on lots with eighty (80) feet or more of street frontage.
- (4) Spacing of Freestanding Signs: No freestanding sign shall be erected within 100 feet of another freestanding sign.
- (5) Installation of Wall Signs: All wall signs shall be installed flat against the wall of a building and shall not extend from the wall more than eighteen (18) inches.
- (6) Residential Districts: Permits are required for all other allowed signs and must conform to the following criteria:
 - (a) Single-Family Subdivision Identification Signs: Signs that identify the name of a single-family residential subdivision, located at any street entrance to the subdivision, shall be erected as follows:
 - (i) Number: Two per entrance, not to exceed eight (8) per subdivision.
 - (ii) Type: Monument sign, which shall include masonry for all non-lettered areas. Landscaping and irrigation shall be installed within 3 feet from the base of the sign along the front of the sign.
 - (iii) Maximum Size and Height: Up to one hundred twenty (120) square feet in area and eight (8) feet in height.
 - (iv) Minimum Setback: fifteen (15) feet from any property line and outside of all setback clearance zones.
 - (b) Multi-Family Complex Signs: Signs that identify the name and/or address of an apartment, townhouse, condominium or other multi-family residential complex, located at any street or private drive entrance to the complex, shall be erected as follows:
 - (i) Number: One per main entrance, not to exceed 2 per complex.
 - (ii) Type: Monument sign, which shall include masonry for all non-lettered areas. Landscaping and irrigation shall be installed within 3 feet from the base of the sign along the front of the sign.
 - (iii) Maximum Sizes and Heights: Monument Sign: Up to one hundred twenty (120) square feet in area and up to eight (8) feet in height.
 - (iv) Minimum Setback: Fifteen (15) feet from any property line and outside of all setback clearance zones.

- (c) Accessory Management or Rental Office Signs: Signs that identify an accessory management or rental office shall be erected as follows:
- (i) Number: One.
 - (ii) Type: Wall.
 - (iii) Maximum Size and Height: Six (6) square feet in area and located below the roofline.
- (7) Commercial: All signs that are designed, intended or used to advertise or inform shall conform to the following criteria and require permits.
- (a) Signs Facing Residential Areas: Any sign erected within one hundred (100) feet of either an existing residential use or a residential zoning district shall be non-illuminated and limited to sixteen (16) square feet in area and eight (8) feet in height.
 - (b) Minimum Setbacks: All signs and sign structures must be located at least fifteen (15) feet from any property line and outside of all setback clearance zones.
 - (c) Lots With An Establishment: Any establishment not otherwise mentioned and located on a lot may erect signs as follows:
 - (i) Number: Maximum of four (4) signs, but in no case shall two (2) freestanding signs be allowed on the same lot.
 - (ii) Types: Wall, monument, free-standing sign, projecting, awning, canopy, or marquee.
 - Maximum Sizes and Heights:
 - (iii) Wall or Marquee Sign: Thirty-two (32) square feet of area or one and one-half square feet of sign area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of five hundred (500) square feet in combined area for all wall or marquee signs, whichever is greater. The top of all wall and marquee signs shall be below the roofline.
 - (iv) Free-Standing Sign: One and one-half (1½) square foot of sign area per two (2) linear feet of lot frontage on which the sign or signs are to be erected not to exceed five hundred (500) square feet. The top of the sign shall not exceed forty (40) feet in height and the base of the sign shall be at least eight (8) feet above the ground.
 - (v) Monument Sign: One and one-half (1½) square foot of sign area per two (2) linear feet of lot frontage on which the sign or signs are to be erected, up to a maximum of one hundred twenty (120) square feet in area. The height of a monument sign shall not exceed eight (8) feet.

(vi) Projecting Sign: One and one-half square feet of sign area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of twelve (12) square feet in area. The top of all projecting signs shall be located below the roofline and at a height not greater than sixteen (16) feet above the ground. The base of all projecting signs shall be no less than eight (8) feet above the ground. Projecting signs shall not project from the exterior wall of a building more than six (6) feet.

(vii) Awning or Canopy Sign: One and one-half square feet per two (2) linear feet of awning or canopy, up to a maximum of sixteen (16) square feet in area. No awning or canopy sign shall extend above the top of the awning or canopy.

(d) Gasoline Stations: Automobile service and gasoline stations shall comply with all applicable sign regulations within this section, including the regulations for shopping centers if applicable. The following additional regulations shall apply to all automobile service and gasoline stations:

(i) Changeable Fuel Price Signs: Freestanding signs identifying the name of the business may include changeable copy indicating the current price of fuel dispensed on the premises. The area of the fuel price sign shall not be included in determining the sign area for the business, but said fuel sign area shall be less than forty (40) square feet.

(ii) Gas Pump Signs: Each gas pump shall be permitted a total of one square foot of sign area to identify the product dispensed.

(e) Directory Signs: Commercial and industrial properties may erect a directory sign identifying the names and/or addresses of the establishments within individual buildings. A directory sign shall not exceed fifteen (15) square feet in area and 6 feet in height and precludes the use of any other freestanding sign for the lot on the same street frontage.

(i) Theaters: Theaters are authorized to erect one of the permitted wall or marquee signs with a changeable copy board displaying the name(s) and time(s) of the current motion picture or theatrical production.

(8) Other Uses: In cases where the regulations within this section do not specifically address a sign requested in conjunction with a permissible use, the Administrator shall make a written interpretation of the ordinance, which shall be kept in the permanent record for that application.

Sec. 17-26 Illuminated Signs

(1) Brightness Limitations:

(a) No illuminated sign shall be illuminated to such intensity or in such a manner as to cause glare or brightness to a degree that it constitutes a hazard or nuisance.

(b) Images or messages from a electronic sign shall not blink, flash, scroll or be animated in such a manner as to constitute a distraction to motorists, pedestrians or the general public.

(2) Mercury Prohibitions: Illuminated signs, which are illuminated by mercury arc or mercury vapor light sources are prohibited.

(3) Maximum Area: The area of an illuminated sign, which is internally illuminated, shall comply with the standards set forth in **Sec.17-25** of this Ordinance.

Sec. 17-27 Temporary Real Estate Signs

Temporary Real Estate Signs shall be located no closer then ten (10) feet from the edge of the pavement of the fronting street, when located in the public right of way ~~or on private property~~. For each Temporary Real Estate Sign, one open house or directional sign no larger than four (4) square feet may be placed in the right of way at a nearby street intersection between Friday from 4:00 P.M. until Monday at 9:00 A.M. A permit is not required for the open house or directional sign.

ARTICLE VI. NONCONFORMING SIGNS

Sec. 17-28 Status

Unless more specifically provided for elsewhere in this Ordinance, a sign that lawfully existed and is permanently attached to real property or a structure prior to the passage of this ordinance, but is not in conformance with these regulations shall be considered a legal non-conforming sign.

Sec. 17-29 Exemption

Legal non-conforming signs shall be exempted from the provisions of this Ordinance, except as provided by Sections 17-30 through 17-33 below.

Sec. 17-30 Removal

Any legal non-conforming sign that is damaged or is deteriorated to a point where its restoration cost exceeds fifty percent (50%) of its replacement value shall be removed, unless otherwise authorized to remain.

Sec. 17-31 Compliance Required

Legal nonconforming signs may not be re-erected, reconstructed, rebuilt, or expanded except in full compliance and conformance with this Ordinance.

Sec. 17-32 Expiration

The legal nonconforming status of a sign shall be deemed to have automatically expired and to have been forfeited by the sign’s owner if the sign is enlarged or expanded in violation of this Ordinance.

Sec. 17-33 Transferability

The legal nonconforming status of a sign is not portable and may not be transferred to another location.

ARTICLE VII. VARIANCES

Sec. 17-34 Requests

Within thirty (30) days after denial of a sign permit by the City, a written request for a variance from the Board of Adjustment may be filed with the City.

Sec. 17-35 Board Action

Unless an extension or postponement is sought by the requestor, the Board of Adjustment must consider and take action on a request for a variance within ninety (90) days of receipt and payment of the request.

Sec. 17-36 Findings

The Board may grant a variance upon affirmative written findings as to the following elements:

- (1) The variance is not contrary to the public interest.
- (2) Due to special conditions, a literal enforcement of the ordinance 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; and
- (3) The spirit and purpose of the Ordinance will be observed and the design guidelines set forth in this Ordinance are substantially met and substantial justice will be done.

Sec. 17-37 Conditions

The Board of Adjustments may impose such conditions or requirements upon a variance as are necessary in the Board of Adjustment's judgment to protect the overall character of the community and to achieve the fundamental purposes of this Ordinance.

ARTICLE VIII. ENFORCEMENT

Sec. 17-38 Civil and Criminal Penalties

The City shall have the power to administer and enforce the provisions of this Ordinance as may be authorized by Texas statutory law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations.

Sec. 17-39 Criminal Prosecution

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

Sec. 17-40 Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

(1) injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance, including removal of signs that violate this Ordinance at the expense of the sign owner; and

(2) a civil penalty up to one hundred dollars (\$100) a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and

(3) other available relief.

Sec. 17-41 Public Nuisance

Any violation of this Ordinance is hereby declared to be a nuisance. A sign that is erected, constructed, relocated, expanded or structurally altered in violation of this Ordinance, and is not a non-conforming sign, is hereby declared to be a public nuisance.

Sec. 17-42 Removal

Any sign violating this Ordinance must be removed or brought into compliance within thirty (30) days of receipt of written notice from the City. If the person responsible for the sign fails to remove or alter the structure so as to comply with the standards set forth in this Ordinance within thirty (30) days after such notice, the City may undertake such removal or alteration as is necessary to bring the structure into compliance and assess the costs to the person responsible for the sign. The City may cause any sign or other advertising structure, which presents an immediate peril to persons or property to be removed or altered immediately and without notice, and without compensation to the sign owner.

PROPOSED ORDINANCE

Section 3. Severability

If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 4. Effective Date

This Ordinance shall take effect immediately from and after its passage.

Section 5. Public Notice and Meeting

It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on the _____ day of _____, 2011.

THE CITY OF BELLMEAD, TEXAS

By _____
Mayor

ATTEST:

City Secretary