

SEC. 51A-7.307. RELOCATION OF CERTAIN DETACHED NON-PREMISE SIGNS.

(a) In general. Certain legal non-conforming detached non-premise signs may be relocated subject to the restrictions in this section.

(b) Application. The owner of the sign and the governmental entity must sign a relocation application. The owner of the sign must submit the relocation application within one year after the sign is actually removed from the parcel of land pursuant to a request of the governmental entity. The relocation must be completed within one year after approval of the relocation application. must submit a sign relocation permit application. After the building official approves the sign relocation permit, the owner must apply for a demolition permit to remove sign in accordance with Subsection (d). The owner must complete demolition of sign structure according to the applicable ratio in Subsection (d) before the sign structure is relocated.

(c) Compliance Required. Except as provided in this section, relocated signs must fully comply with the size, height, spacing, setback, and other restrictions in this article. In order to be considered legal and maintain non-conforming status, the sign must be current on registrations at the time this ordinance is passed.

~~(d) Relocation to remainder.~~

~~(1) All relocated signs must be relocated on the remainder of the tract from which the parcel of land was acquired unless relocating to the remainder is not possible for reasons such as:~~

~~(A) there is no remainder;~~

~~(B) the sign owner is unable to obtain an agreement from the property owner of the remainder; or~~

~~(C) the remainder is not of sufficient size or suitable configuration to allow the relocated sign to be as visible as the original sign from the nearest main traveled thoroughfare.~~

~~(2) Signs relocated to a remainder may not be less conforming than the original sign, but must comply with the spacing requirements of Paragraphs (e)(12) and (e)(13).~~

~~(3) All signs located on a railroad right of way must be relocated within that same railroad right of way. Relocated signs must be relocated within 500 feet of their original location unless possible locations are not of a suitable size or configuration or are otherwise unusable. Signs that have been relocated within 500 feet of their original location may not be less conforming than the original sign. If a sign cannot be relocated within 500 feet of its original location, it can be relocated anywhere in that same railroad right of way, but must fully comply with the size, height, spacing, setback, and other restrictions in this article.~~

(d) Sign face exchange ratio.

(1) For every one sign structure to be relocated, three detached non-premise sign structures must be removed from within the city.

(A) No credit is given for the relocated sign structure.

(B) Removal of sign structures must be completed before sign relocation may commence.

(e) Reserved.

(f) Relocated expressway signs.

(1) ~~A relocated expressway sign may exceed the effective area in Subsection (g).~~ A relocated expressway sign may not have an effective area that exceeds 672 square feet.

(2) A relocated expressway sign must have a setback of at least 40 feet from the nearest expressway travel lane and at least five feet from the nearest public right-of-way but may not be relocated more than 200 feet from the expressway right-of-way.

(3) The effective area of a relocated expressway sign does not include extensions of the sign face if:

(A) the extensions do not collectively exceed 20 percent of the original area of the sign face; and

(B) no individual extension exceeds 80 percent of the original length or 50 percent of the original height of the sign face.

(4) The height of a relocated expressway sign may not exceed an overall height of 50 feet, or 42.5 feet above the nearest point on the nearest travel surface of the nearest expressway or new expressway, whichever is higher, if the total height of the sign does not exceed 80 feet above the ground at the base of the sign.

~~(g) Limitations on size. Except as provided in Subsection (f):~~

~~(1) a relocated sign with an effective area of 72 square feet or less may not exceed 20 feet in height; and~~

~~(2) a relocated sign with an effective area greater than 72 square feet may not exceed 400 square feet in effective area or 30 feet in height.~~

~~(3) A relocated sign in a CR, RR, MU 1, MU 1(SAH), MU 2, MU 2(SAH), MC 1, or MC 2 zoning district, or in an SC or GR subdistrict of a PD district, may not exceed 72 square feet in effective area or 20 feet in height. This provision controls over Paragraphs (1) and (2).~~

(g) ~~(e)~~ Restrictions on relocations.

(1) A sign may not be relocated within 1,000 feet of a new expressway.

~~(2) A sign may not be relocated within 100 feet of an expressway unless it was originally located within 100 feet of an expressway or new expressway.~~

~~(3) A sign message on a relocated sign may not be oriented to be visible from a new expressway.~~

~~(4) A sign message on a relocated sign may not be oriented to be visible from an expressway unless it was originally oriented to be visible from an expressway or new expressway.~~

Commented [RS1]: Must remain as (f) because of a reference elsewhere in ordinance

Commented [RS2]: Formerly located at (e). moved for continuity.

~~(5)~~(2) A non-HBA expressway sign must be relocated at least 500 300 feet from another non-premise sign on the same side of the expressway.

~~(6)~~(3) An HBA expressway sign must be relocated at least 500 feet from another non-premise sign on the same side of the expressway.

~~(7)~~ No more than one relocation is permitted between the sites or former sites of non-premise signs that existed on April 26, 2000 unless the distance between the sites or former sites in feet equals or exceeds the number of relocated signs multiplied by 1,500.

~~(8)~~(4) A relocated sign may not have a greater effective area than it had at its original location, except that the effective area of multiple relocated signs may be combined, provided that:

(A) the overall number of signs within the city is reduced;

(B) the effective area of the combined sign is equal to or less than the sum of the effective area of the individual signs; and

(C) except as provided in Paragraph (g)(3), the effective area does not exceed 400 square feet for a combined non-expressway sign or 672 square feet for a combined expressway sign.

For purposes of this paragraph, the effective area of a relocated sign does not include the sign skirting if no part of the sign message appears on the skirting other than the name of the sign company.

~~(9)~~ Two one-faced signs may be relocated to create one two-faced sign, provided that:

(A) the two faces are oriented within 60 degrees of one another; and

(B) except as provided in Paragraph (g)(3), the effective area does not exceed 400 square feet for a combined non-expressway sign or 672 square feet for a combined expressway sign.

This paragraph controls over Paragraphs (5) and (6).

~~(10)~~(5) All relocated signs must be built to comply with the building code.

~~(11)~~ A sign may not be relocated until demolition and other required permits have been applied for and approved by the city.

~~(12)~~(6) A sign may not be relocated within 2000 500 feet of the Trinity River, measured from the center line of the Trinity River Levee. For purposes of this paragraph, the term "Trinity River" means the portion of the river south of the confluence of the Elm and West forks as depicted on the most recent version of the flood insurance rate maps published by the Federal Emergency Management Agency.

~~(13)~~(7) A sign may not be relocated within 500 feet of a historic district, public park, city-owned lake, or the escarpment zone or geologically similar areas.

~~(14)~~(8) An ~~non-HBA~~ expressway sign may not be relocated within 500 feet of a non-business or residential zoning district.

~~(15)~~ An HBA sign may not be relocated within 300 feet of a non-business or residential zoning district.

~~(16)~~(9) A sign may not be relocated within ~~200~~ 50 feet measured from the center point of any intersection involving:

- (A) two or more arterials;
- (B) an expressway frontage road and an arterial; or
- (C) expressway travel lanes or ramps.

~~(17)~~(10) Except as provided in SEC. 51A-7.308, no new properties, such as electrical, mechanical, or digital, may be added to a relocated sign. (For example, a non-illuminated sign may not be converted to an illuminated sign, and a plain billboard may not be converted to a digital or tri-vision sign.)

(h) Measurements. Measurements of distance under this section pertaining to minimum separation between signs are ~~linear~~ radial unless otherwise specified in the provision. A “linear” measurement is taken from a sign or proposed sign location to the nearest point on another sign. Measurements of distance under this section pertaining to minimum distance from zoning districts or locations are taken radially unless otherwise specified in the provision. “Radial” measurement is a measurement taken along the shortest distance between a sign or proposed sign location and the nearest point of a private property line in a restricted zoning district or location.

(i) Specific use permit. The city council may grant a specific use permit to:

- (1) ~~authorize a detached non-premise sign to have lesser spacing than that required in Paragraphs (e) (12), (13), (14) or (15)~~ allow a detached non-premise sign to be relocated as a wall sign; or
- (2) allow the relocation of an ~~HBA~~ expressway sign to an LO(A), MO(A), or GO(A) district.

For more information regarding specific use permits, see Section 51A-4.219. (Ord. Nos. 24232; 27516)

SEC. 51A-7.308. DIGITAL DISPLAY ON CERTAIN DETACHED NONPREMISE SIGNS.

(a) In general. Certain legal non-conforming detached non-premise signs may be modified to use digital display technology subject to the restrictions in this section.

(b) Application. The owner of the sign must submit a digital display sign permit application for a face modification. After the building official approves the digital display sign permit, the owner must apply for a demolition permit to remove sign face area in accordance with Subsection (d). The owner must complete demolition of sign face according to the applicable ratio in Subsection (d) before the sign face is modified.

(c) Compliance required.

(1) Except as provided in this section, digital display signs must fully comply with the size, height, spacing, setback, and other restrictions in this article for detached non-premise signs.

(2) Digital display sign support structures must be built to comply with the building code.

(3) Digital display signs must comply with Title 43 Texas Administrative Code ~~Section 21.163,~~ "Electronic Signs," as amended, Part 1, Chapter 21, Subchapter I, Division 1, as applicable.

(4) Both existing and new digital signs must comply with all lighting and safety standards mandated by federal, state, or local rules or statutes, including standards adopted or amended after the date of passage of these requirements. Lighting and safety standards include brightness; message duration; and proximity of the sign to other digital displays, ramps, and interchanges.

(d) Sign face exchange ratio.

~~(1) Except as provided in Paragraph (2),~~ For every one square foot of sign face modified to use digital display technology, three square feet of detached non-premise sign face area must be removed from within the city.

(A) To receive credit for the area of a conventional face removed, the conventional sign face removed must result in elimination of a sign structure (if a face is removed from a structure, the entire structure must be removed).

~~(B) At least one structure removed must be within a five-mile radius of the conventional face being converted.~~

~~(C)~~(B) No credit is given for the area of the conventional face removed to convert to a digital display.

~~(D)~~(C) Removal of sign face area must be completed before modification of sign area to use digital display technology.

(e) Location and number.

~~(1) A maximum of 50 non-premise locations with digital displays are permitted in the city. The director shall time stamp all applications upon receipt. The director shall review applications in order of submittal. If the director determines that an application is incomplete or does not meet the requirements of this section, the director shall reject the application and then review the next application. If the initial number of applications exceeds the number of permits available, the director shall provide for a lottery to distribute the permits.~~

~~(2)~~(1) Digital display signs may only be expressway signs.

~~(3)~~(2) For support structures with only one digital display sign, signs must be located a minimum of 1,500 feet from any other digital display sign oriented to the same traffic direction along the main travel lanes of the expressway, measured linearly. For support structures with two digital display signs, signs must be located a minimum of 2,000 feet from any other digital display sign along the same expressway, measured linearly. A sign structure with a digital display

may not be located within 1,500 feet of another digital display on the same highway if facing the same direction of travel.

~~(4)~~(3) Digital display signs may not be located within 300 feet of any lot located in a residential district, measured radially.

~~(5)~~(4) Digital display signs may not be located within ~~2000~~ 500 feet of the Trinity River, measured from the center line of the ~~Trinity River Levee~~. For purposes of this paragraph, the term "Trinity River" means the portion of the river south of the confluence of the Elm and West Forks as depicted on the most recent version of the flood insurance rate maps published by the Federal Emergency Management Agency.

~~(6)~~(5) Digital display signs may not be located within 500 feet of a lot in a historic district.

~~(7)~~(6) Digital display signs may not be located within 500 feet of an escarpment zone.

(f) Digital display sign support structures.

(1) Digital display sign support structures may not exceed an overall height of 50 feet or 42.5 feet above the nearest point on the nearest travel surface of the nearest expressway, whichever is higher, except that no digital display sign may be higher than the conventional sign it replaced.

~~(2)~~ On support structures with two sign faces:

~~(A) If existing faces are pivoted at an angle of 10 degrees or greater from each other and toward the main travel lanes of an expressway, one or both sign faces may be converted to digital display.~~

~~(B) If existing faces are pivoted at an angle of less than 10 degrees, only one face may be converted to a digital display. The other sign face must be removed.~~

~~(3)~~(2) Sign support structures and faces being converted to accommodate digital displays may not be modified to change the angle of a sign face.

~~(4)~~(3) Electrical service to sign support structures with digital displays must be underground between the property line and the sign.

(g) Display.

(1) All digital displays signs must automatically adjust the sign brightness so that the brightness level of the sign is no more than 0.3 footcandles over ambient light conditions at a distance of 250 feet from the sign. A digital display sign must be equipped with both a dimmer control and a photocell that automatically adjusts the display's intensity according to natural ambient light conditions.

(2) A digital display may not increase the light level on a lot in a residential district over ambient conditions without the digital display, measured in footcandles at the point closest to the sign that is five feet inside the residential lot and five feet above the ground.

(3) Before the issuance of a digital display sign permit, the applicant shall provide written certification from the sign manufacturer that:

(A) the light intensity has been factory programmed to comply with the maximum brightness and dimming standards in this subsection; and

(B) the light intensity is protected from end-user manipulation by password-protected software or other method satisfactory to the building official.

~~(h) Change of message. Changes of message must comply with the following:~~

~~(1) Each message must be displayed for a minimum of eight seconds.~~

~~(2) Changes of message must be accomplished within two seconds.~~

~~(3) Changes of message must occur simultaneously on the entire sign face.~~

~~(4) No flashing, dimming, or brightening of message is permitted except to accommodate changes of message.~~

~~(i) Malfunction. Digital display sign operators must respond to a malfunction or safety issue within one hour after notification and must remedy that malfunction or safety issue within 12 hours after notification. In case of sign malfunction, the digital display must freeze until the malfunction is remedied.~~

~~(j) Display of emergency information. The city may exercise its police powers to protect public health, safety, and welfare by requiring emergency information to be displayed on digital display signs. Upon notification, the sign operators shall display: Amber Alerts, Silver Alerts, information regarding terrorist attacks, natural disasters, and other emergency situations in appropriate sign rotations. Emergency information messages must remain in rotation according to the issuing agency's protocols.~~

~~(k) Sunset. The director shall issue no permits after August 31, 2015, unless that date is extended by ordinance before that date. The city plan commission and city council shall review this section before August 31, 2015. (Ord. Nos. 28238; 29393; 29557)~~

SEC. 51A-7.702. REMOVAL AND MAINTENANCE OF CERTAIN NON- CONFORMING SIGNS.

(a) Signs erected without a permit, either prior to or after the adoption of this article, are illegal signs if a permit was required for its erection according to the law in effect at the time the sign was erected. Non-premise signs not current on registration at the time this ordinance is adopted shall be considered illegal. It shall be unlawful to maintain any illegal sign. It is a defense to prosecution under this subsection if the sign has been made to comply with the provisions of this article so that a permit may be issued.

~~(b) All signs that were legally erected pursuant to a valid permit or legally maintained and that do not conform to the provisions of this article must be removed or modified if useful life determinations were made and amortization periods were set by the Municipal Board on Sign Control before January 1, 1990.~~

~~(c)~~ (b) The right to maintain non-conforming use ceases when the sign is destroyed or removed by the intentional act of the owner or his agent. No person may repair a non-conforming sign if the cost of repair is more than 60 percent of the cost of erecting a new sign of the same type at the same location, unless that sign is brought into conformity with this chapter. No person may repair a non-conforming sign where the effect of such repair shall be to enlarge or increase the structure of the non-conforming sign. For purposes of this section, mono-pole, metal, and wood are each an example of a “type” of sign and the term “repair” does not include maintenance or changes of words or other content on the face of a sign. A restoration or reconstruction in violation of this paragraph immediately terminates the right to operate the nonconforming use and the sign must be removed.

(c) Maintenance operations includes:

(1) Cleaning;

(2) Painting;

(3) Repair of parts with like materials in a manner that does not alter the basic design or structure of the sign, provided that the cost of all repairs performed during any consecutive 365-day period is not more than 60% of the cost of erecting a new sign of the same type at the same location; and

(4) Replacement of parts with like materials in a manner that does not alter the basic design or structure of the sign, provided that the cost of all replacement of parts performed during any consecutive 365-day period is not more than 60% of the cost of erecting a new sign of the same type at the same location.

(d) The effective area of a detached non-premise sign does not include the sign skirting if no part of the sign message appears on the skirting other than the name of the sign company.

(e) Except as provided in SEC. 51A-7.308, No new electrical, mechanical, or digital properties may be added to a non-conforming detached premise or non-premise sign. (For example, a non-illuminated sign may not be converted to an illuminated sign, and a plain ~~billboard~~ premise or non-premise sign may not be converted to a ~~tri-vision~~ digital type.)

(f) The effective area of a detached non-premise expressway sign does not include extensions of the sign face if:

(1) the extensions do not collectively exceed 20 percent of the original area of the sign face; and

(2) no individual extension exceeds 80 percent of the original length or 50 percent of the original height of the sign face. (Ord. Nos. 19455; 20927; 22113; 23094; 24232)