

# The City of West University Place

*A Neighborhood City*

## SIGNS

### Sec. 6-19. - Definitions.

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

*Abandoned* means a sign that had a permit but the permit has been expired for 30 or more consecutive days and/or does not identify or advertise a bona fide business, lessor, service, owner, product, event or activity, or pertains to a time, event or purpose which no longer applies.

*Balloon and other floating device* means a visible airtight or air flow-through apparatus commonly made of latex, Mylar or other similar material that extends by a cord, rope, string, wire or other similar material.

*Banner* means a non-fixed sign made of cloth or similar pliable material that is not a flag.

*Billboard* means a sign erected in the outdoor environment for the purpose of the display of commercial or noncommercial messages not pertinent to the use of products sold on, or the sale or lease of, the property on which it is displayed.

*Canopy* means an open-air structure (either free-standing or attached to a building) that affords shade or shelter for persons standing or walking beneath it.

*Display area (or "DA")* means the whole surface area of a sign. All faces of a sign are counted, except that only one side of an ordinary cloth flag is counted. The area of uprights, bracings and other structures supporting a sign are only counted to the extent:

- (1) They are used or designed to display a message;
- (2) They form a sign border; or
- (3) They are otherwise designed or used to attract the attention of the public to the supported sign.

If there is a border, all the area within the border (including any cutout area) is counted, plus any facings extending beyond the border. If sign symbols are painted onto (or affixed) directly to the surface of a wall, awning, window or other structure not otherwise erected or altered for sign purposes, and if there is no sign border, only the area of the symbols themselves is counted. Example: Letters and numbers are painted onto a load-bearing wall not otherwise altered for sign purposes. There is no sign border. In this example, only the area of the brush strokes forming the letters and numbers is counted as display area.

*Facade area* is measured using a simple elevation view of the building. *Exception:* For a building with separate retail units, the total facade area of each unit is the facade area bordering the unit's space.

*Fixed* means a sign designed and affixed to be a permanent, nonmoveable sign. *Exception:* Neither a flagpole nor a flag is considered a "fixed" sign.

*Flag* means a non-fixed sign:

- (1) Made of cloth or similar pliable material;
- (2) Designed to be (and actually) attached along one side only and not otherwise braced or supported;
- (3) Having a longest dimension not greater than twice its shortest dimension; and
- (4) Otherwise allowed to move freely.

*Ground sign* means a sign affixed to the ground directly and independently of other structures.

*High clearance banner* means a banner meeting all of the following criteria:

- (1) It is displayed above a street area, but no part of it is lower than 15 feet; and
- (2) It is not attached to any pavement or facility owned by the city.

*Moving sign* means any sign, sign appendages or apparatus designed or made to move freely in the wind or designed or made to move by an electrical or mechanical device.

*Non-fixed* means that a sign is:

- (1) Made of nonrigid material (e.g., cloth, cardboard, paper, pliable plastic), in whole or in part;
- (2) Designed and attached so that it can be immediately picked-up and moved by a single person of ordinary strength, without using any tools.

*Off-location or off-premises sign* means a sign that advertises, promotes or pertains to a business, person, organization, activity, event, place, service, product, etc., at a location other than where the business, person, organization, activity, event, place, service, product, etc., is located.

*Portable sign* means any sign designed or intended to be relocated from time to time, whether or not it is permanently attached to a building or structure or is located on the ground.

*Relevant facade area* means the area of a building's facade where the principal entrance is located.

*Residential impact site* means any given site, neither used for SFR purposes nor located on a major thoroughfare, but having a front street line along a street where 51 percent or more of the sites in the "impact area" are used for SFR purposes. The "impact area" includes all sites with front street lines along the same street (counting on

both sides of the street) and located (in whole or in part) within 200 feet of a side property line of the given site.

*Retail unit* means a whole building or part of building which:

- (1) Is separately owned or leased;
- (2) Has a principal entrance visible from a street area with direct access from the street area (or through a common use area open to the public); and
- (3) Is primarily used to sell goods or services, in person, to members of the general public.

In a typical shopping center, for example, each ordinary store would probably be a separate "retail unit," but an ordinary business office would not be a separate "retail unit".

Rigid materials includes:

- (1) Materials which are always rigid; and
- (2) Other materials which appear to be taut or rigid when on display, even though they may be designed to bend, stretch or break under wind loads or other unusual stresses.

*Roof sign* means a sign mounted on and supported by the roof portion of a building or above the uppermost edge of a parapet wall of a building or structure.

*Searchlight (or skylight)* means any apparatus capable of projecting a beam or beams of light.

*Semi-fixed* means that a sign is:

- (1) Made entirely of rigid materials;
- (2) Designed and affixed so that it does not move while on display;
- (3) Capable of being immediately picked-up and moved by a single person of ordinary strength, without using any tools.

*SFR* means single-family residential.

*Sign* has the same meaning as in V.T.C.A., Transportation Code ch. 393 "In this chapter, 'sign' means an outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, or other thing that is designed, intended, or used to advertise or inform." The term includes any structure, vehicle or other object which has the principle purpose of supporting or displaying a sign. Each physically separate display is considered a separate sign unless:

- (1) It is solidly joined connected with another display (or a structure) to form a compact and contiguous sign unbroken by internal borders, frames or other divisions; or
- (2) It is enclosed within a frame or border designed to form a unified sign.

Signs on the outside surface of any wall, window or other structure are considered to be "outdoor."

Symbols includes letters, numerals, pictures and other symbols used to communicate a message.

*Temporary.* A sign is temporary if, on the same premises, neither it nor any other non-fixed or semi-fixed sign is displayed more than:

- (1) Two times during any 365-day period;
- (2) One time during any 30-day period; or
- (3) 72 hours each time.

For this purpose, "premises" includes the entire building site, unless there are two or more retail units on the site, in which case each unit is considered separate "premises". Wind device means any pennant, streamer, spinner, balloon, cloud-buster balloon, inflatable object or similar device made of cloth, canvas, plastic or any flexible material designed to float or designed to move, or move freely in the wind, with or without a frame or other supporting structure.

(Code 2003, § 3.201; Ord. No. 1990, § 1(app. A), 5-19-2014)

#### **Sec. 6-20. - General prohibitions, permits.**

- (a) Compliance required. Within the city limits, it shall be unlawful for any person:
  - (1) To erect, place or alter any sign which does not comply with this chapter or which exceeds any limit prescribed by this chapter; or
  - (2) To use, own or control any place where a sign is located, if the sign does not comply with this chapter, or if it exceeds any limit prescribed by this chapter.
  - (3) The construction, placement, existence, use of or advertisement on signs of the following nature is prohibited:
    - a. Abandoned signs.
    - b. Balloons and other floating devices.
    - c. Billboards.
    - d. Moving signs.
    - e. Off-location or off-premises signs.
    - f. Portable signs.
    - g. Roof signs.
    - h. Searchlight or skylight signs.
    - i. Wind devices.
    - j. Prohibited signs, such as, but not limited to:
      1. Any sign not referenced in or governed by this chapter;
      2. Any changeable electronic variable message sign (CEVMS) or light emitting diode (LED) billboards located, relocated, or upgraded along a regulated highway within the corporate limits or extraterritorial jurisdiction of the city;
      3. Any sign erected or installed in or over a public right-of-way or access easement, unless permitted within this chapter;
      4. Any sign that does not comply with this or other applicable municipal ordinances, or those which do not comply with federal or state laws;

5. Any sign supported by a bench, tree, rock, bridge, public utility pole;
  6. Any sign supported by a fence not otherwise in compliance with this ordinance; or
  7. Any sign not allowed or defined by this chapter.
- (b) Permits for fixed signs. Within the city limits, except as authorized by a valid and unexpired permit issued pursuant to this section, it shall be unlawful for any person:
- (1) To erect, place or structurally alter a fixed sign; or
  - (2) To use, own or control any place where and when a fixed sign is erected, placed or structurally altered.

(Code 2003, § 3.202; Ord. No. 1990, § 1(app. A), 5-19-2014)

**Sec. 6-21. - Procedures, defenses, etc.**

- (a) Permit and license procedures. The procedures prescribed by this Code for administering building permits (including issuance, revocation, suspension, transfer, etc.) shall also apply to permits under this chapter. The building official may modify forms, etc., to conform to this chapter. All actions of the building official under this chapter, and all applications for interpretations or variances, are subject to the authority of the BSC in the same manner as similar, building-related actions.
- (b) Prior nonconformities. In any proceeding to enforce this article, it is an affirmative defense that, at the time of the offense, the entire sign in question (or at least the aspect of the sign alleged to be in violation) had status as a prior nonconforming. Both the acquisition of PNC status and the loss of PNC status are determined by the principles and procedures set out in article 12 of the zoning ordinance, except that the BSC has the authority of the ZBA. In addition:
- (1) Changing only the face of a sign, or only the message, does not alter the PNC status of any sign, provided there is no structural alteration or other change.
  - (2) A nonconforming sign without current PNC status may not be moved, repaired, replaced, reconstructed or altered unless it is brought into full compliance with this chapter.
  - (3) On premises where there is a nonconforming sign without current PNC status, no other sign may be placed, constructed, improved or structurally altered.
  - (4) Upon application of the building official, and after providing both notice and an opportunity for a bearing to the owner of the premises, the BSC may order that a sign without current PNC status be removed, relocated or reconstructed. If compensation is required by state or federal law at the time that such action is required, the order shall be conditioned upon compensation being provided.
- (c) Other defenses. In any proceeding to enforce this chapter (but not in a proceeding to enforce state law such as, for example, a proceeding involving a sign on a public road), it shall be an affirmative defense that the sign in question:
- (1) Was not directed toward persons in motor vehicles within a street area, and no symbols on the sign were taller than 12 inches;
  - (2) Did not remain in one place for three hours or more;

- (3) Was located more than 30 feet from the nearest street area and completely integrated into the design of a vending machine; or
- (4) Was required to be displayed by an applicable regulation.

It shall also be defense in any proceeding to enforce this chapter with respect to a sign that: (i) the proceeding, in effect, required the sign to be relocated, reconstructed or removed under circumstances (and at a time) when state law required compensation, and (ii) such required compensation was neither offered nor provided as required.

(Code 2003, § 3.203; Ord. No. 1896, § 1, 5-11-2009)

**Sec. 6-22. - Streets and city-controlled areas.**

- (a) In general. It shall be unlawful to erect, place, alter or maintain any sign in, on, or over any street area or other area owned or leased by the city, unless the sign is:
  - (1) An official sign in a street area authorized by the traffic control officer;
  - (2) An official sign in a nonstreet area authorized by the appropriate city official (see, e.g., chapter 66); or
  - (3) A sign specifically authorized by motion, resolution or ordinance adopted by the city council.
- (b) Public roads. As provided in V.T.C.A., Transportation Code ch. 393, signs not authorized by state law are prohibited on a public road right of way, and any permit issued for a sign in violation of said chapter 393 is not effective. For this purpose, a high-clearance banner has been determined not to be "on" a public road right of way within the meaning of chapter 393.
- (c) Interference, etc. It shall be unlawful for any person to interfere with or obstruct any sign authorized by the city in a street area or other area owned or leased by the city.
- (d) Presumption of maintaining. When a sign is:
  - (1) Located in, on or over a street area or other area owned or leased by the city;
  - (2) Has no obvious official purpose; and
  - (3) Has an obvious connection to a nearby or abutting site, it is presumed to be maintained by each person who controls that site.

(Code 2003, § 3.204)

**Sec. 6-23. - Limits on high-clearance banners.**

- (a) Registration. No high clearance banner may be displayed above a street area unless it is effectively registered in advance with the traffic control officer. The traffic control officer may prescribe forms and procedures for registration. Registrations take priority in the order made, but a registration is ineffective if made more than two years in advance.
- (b) Annual, individual limits. After 12 banners are registered for any given calendar year, no further registrations for that year are effective. No high-clearance banner may be registered for, or displayed, for more than 30 days (aggregate) in any calendar year. No more than two banners may be registered for display at any given time.
- (c) Locations. Banners may only be displayed above Buffalo Speedway, University Boulevard, Edloe Street, Auden Street, or Wesleyan Street.

- (d) No city involvement. No city officer or employee may place or attach high-clearance banners. This shall be the responsibility of the person who registers the banner.

(Code 2003, § 3.205)

**Sec. 6-24. - Nuisance; removal of unlawful signs.**

Any sign which does not comply with the chapter, or which exceeds any limit imposed by this chapter, is declared a nuisance. The building official has the authority to have removed any such sign, if the city has a right of access to the place where the sign is located. The cost of such removal shall be paid by the person owning the sign, and any person who erected, placed or maintained the sign, jointly and severally.

(Code 2003, § 3.206)

**Sec. 6-25. - Sizes; numbers; spacing; design; etc.**

- (a) Sizes, numbers, etc. On each building site, limits on the maximum number and sizes of signs are prescribed in table 3-1 of section 6-28
- (b) Ground signs. A ground sign may not:
  - (1) Occupy the space from two feet in height to four feet in height, except for the supports for such sign which shall not occupy more than ten percent of such space. (Exception: This does not apply if the sign is located at least five feet from the nearest roadway, driveway or public sidewalk.);
  - (2) Be located within ten feet of a street area, unless it is a fixed sign meeting all other applicable regulations (e.g., permit, height, maximum area);
  - (3) Be located outside the center two-thirds of the building site, measured along each street line;
  - (4) Be located within 15 feet of any other building site;
  - (5) Be located within 100 feet of another ground sign on the same building site that is oriented toward a different street;
  - (6) Have more display area than 25 square feet per face if any part is located within ten feet of a street area (otherwise 75 square feet per face); or
  - (7) Have any unintegrated supports, sign elements, auxiliary projections or attachments (all must be completely integrated into the design of the sign, both structurally and visually).

This subsection does not apply to sites used for SFR purposes.

- (c) Building-mounted signs. A building-mounted sign may not:
  - (1) Project more than two feet from the nearest face of the building;
  - (2) Be higher than the nearest part of the building;
  - (3) Exceed the aggregate size limits set out in table 3-2 of section 6-28; or
  - (4) Be mounted on a facade other than the one used to calculate the relevant facade area (RFA) for table 3-2 of section 6-28

This subsection does not apply to sites used for SFR purposes or to canopy-mounted signs.

- (d) Canopy-mounted signs. A canopy-mounted sign may not:

- (1) Be separate from the canopy, either structurally or visually (from all viewpoints within a street area or within a residential building it must appear to be part of the canopy itself, not attached or suspended);
- (2) Exceed the aggregate size limits set out in table 3-2 of section 6-28; or
- (3) Be mounted on a facade other than the one used to calculate the relevant facade area (RFA) for table 3-2 of section 6-28

This subsection does not apply to sites used for SFR purposes.

- (e) Maximum height. No part of any sign may have a height greater than eight feet. Exception: signs painted on, or affixed directly to, the surface of a building wall or canopy may extend as high as the wall at the point of attachment, if the sign does not face any site within 200 feet used for SFR purposes.
- (f) Coordinated design. All signs related to a shopping center (or other premises with either a common owner or occupant) shall conform to a master sign plan for the whole premises. A master sign plan is not effective unless it is:
  - (1) Submitted by the owner(s) of the premises;
  - (2) Approved by the building official; and
  - (3) Recorded in the real property records of the county. To be approved by the building official, the plan must require that each sign, to the greatest degree practicable:
    - a. Have visible elements made of the same materials (Exception: this does not apply to allowed temporary signs); and
    - b. Use coordinated design features.

This subsection does not apply to sites used for SFR purposes.

(Code 2003, § 3.207)

**Sec. 6-26. - Location, construction.**

- (a) Generally. Signs may only be placed and constructed in such places and in such a manner that they will not create a traffic, storm, personal injury or fire hazard. Signs are subject to the zoning ordinance (which regulates, for example, height, placement in yards and orientation on certain corner sites) and all the other applicable regulations.
- (b) Building sites. No sign may be located outside a building site, except for signs duly authorized in street areas and other areas owned or leased by the city. Any sign advertising the name of any business or institution, or advertising anything for sale or lease, must be: (i) located on the same building site where the business or institution is located and operated, or the same building site where the thing is actually for sale or lease, as the case may be, and (ii) covered, blanked-out or concealed within 30 days following the day when the business or institution ceases to be located or operated on the site (or the day when the thing is no longer for sale or lease on the site, as the case may be).
- (c) Screening. The rear of each fixed sign shall be screened so that the supporting structural members are not readily visible by a person:
  - (1) Upon a street area;
  - (2) Upon any site used for SFR purposes; or
  - (3) Within any building used for SFR purposes.

Lattice work, plantings, sign display area or another part of a structure may be used for such screening. Exception: The screening requirement does not apply to structural members that are completely integrated into the design of the sign, both structurally and visually.

- (d) Condition and appearance. Every sign, and its screening, shall be kept in good condition as to structure and appearance.
- (e) Power lines. No part of any sign may be located within ten feet of any power line.

(Code 2003, § 3.208; Ord. No. 1896, § 1, 5-11-2009)

**Sec. 6-27. - Illuminated, moving signs.**

No illuminated part of any sign in a residential impact area may face any site in the city used for SFR purposes, unless the site is more than 200 feet from the sign. Exception: this does not apply to signs illuminated only by reflected white lights which are shielded so that the source of the light cannot be seen by a person standing in a street area or on other premises. Illumination, if used, may not flash, blink or move. Note: Other restrictions on lighting may also apply; see, e.g., article 8 of the zoning ordinance. All parts of all signs must be stationary when in use. It shall be an affirmative defense that a non-fixed sign was caused to move only by the wind.

(Code 2003, § 3.209)

**Sec. 6-28. - Obscenity prohibited.**

- (a) No sign shall in any way display any word, statement, character, or illustration of an obscene or indecent nature.
- (b) The terms "obscene" and "indecent," as used in this section, shall have the same meanings as in the Texas Penal Code, as interpreted by the federal and state courts. It shall be an affirmative defense, in any prosecution to enforce this section, that V.T.C.A., Penal Code § 43.22 or other state law, prohibits the same conduct as charged in the prosecution.

Table 3-1. Sign Sizes, Numbers		<i>General Rule:</i> On a site outside a street area, any sign exceeding any applicable regulation (prescribed below) is prohibited, and all non-specified types of signs are prohibited. <i>Exceptions/Special Rules:</i> (1) See special rules noted in table. (2) See remainder of this Chapter.		
Type of sign	Regulation	Applicable to sites used for SFR purposes	Applicable to residential impact sites	Applicable to all other sites
Fixed	Maximum number per site, all signs	Zero <sup>1</sup>	Two plus one per retail unit <sup>1</sup>	Three plus three per retail unit <sup>1</sup>
	Maximum number, ground signs	Zero <sup>1</sup>	One per principal building. <sup>1</sup>	One per principal building for each abutting street <sup>1</sup>

	Maximum DA, ground signs	Zero <sup>1</sup>	Depends upon location; see Section 6-25(b).	
	Maximum number and DA, canopy and building-mounted signs	Zero <sup>1</sup>	Depends upon the size of relevant facade area; see Table 3-2.	
	Maximum total DA, entire site	Zero <sup>1</sup>	1% of the site's area (total per site) <sup>1</sup>	3% of the site's area (total per site) <sup>1</sup>
Semi-Fixed	Maximum number per site	Two, if the site is unoccupied; otherwise no limit <sup>1</sup> 1	One <sup>1</sup> 2	One <sup>1</sup> 2
	Maximum DA	5 sq. ft. per face, 10 sq. ft. per sign, 32 sq. ft. total (all signs on the site)	6 sq. ft. per face, 12 sq. ft per site <sup>2</sup>	8 sq. ft. per face, 16 sq. ft per site <sup>2</sup>
Non-fixed	Maximum number per site	Zero, if the site is unoccupied, otherwise no limit <sup>1</sup> 3	One, if temporary. <sup>1</sup> 2 3	One, if temporary. <sup>1</sup> 2 3
	Maximum DA	5 sq. ft. per face, 10 sq. ft. per sign, <sup>1</sup> 32 sq. ft. total (all signs on the site) <sup>3</sup>	12 sq. ft. per face, 1.5% of the site area (total, all faces) <sup>2</sup> 3	32 sq. ft. per face, 2.5% of the site area (total, all faces) <sup>2</sup> 3

*Notes:*

<sup>1</sup> Flags. On sites actually occupied and used for SFR purposes, an unlimited number of flags may be displayed. On other building sites, one flag may be displayed per 50 feet of street line, in addition to other signs allowed by this chapter.

<sup>2</sup> Festival Permit. During the term of a special festival permit issued by the building official, the maximum number of semi-fixed and non-fixed signs, together, is ten per acre of the festival site. The festival site may be one or more contiguous tracts aggregating at least 0.75 acre. The display area of festival signs is not limited. No more than one festival permit may be issued for any given place in any 365-day period, and the maximum term of a permit is 10 days.

<sup>3</sup> Banners. In addition to the signs allowed by this Table, banners may be displayed if they meet all the following restrictions:

- (1) The maximum number is two per site at any given time,
- (2) The maximum display area is 32 sq. ft. per site, for all banners, at any given time,
- (3) No individual banner may be displayed more than two times during any 365-day period nor more than 14 days at a time,
- (4) On any given site, a banner may be displayed no more than 14 days out of any 60 day period, and

(5) No banners are allowed on unoccupied sites.

Table 3-2. Number and display area, building and canopy-mounted signs	<i>General Rule:</i> For each building, the maximum display area and number of all building-mounted and canopy-mounted signs is determined by the relevant facade area. Any sign exceeding such a limit is prohibited, and all non-specified types of signs are prohibited. <i>Exceptions/Special Rules:</i> (1) See special rules noted in table. (2) See remainder of this Chapter.	
Size of relevant facade area (RFA), per separate premises	Maximum display area of building mounted and canopy-mounted signs, per separate premises	Maximum number of building-mounted and canopy-mounted signs, per separate premises
Less than 100 sq. ft.	26 sq. ft.	Two
100 to 199 sq. ft.	26 sq. ft. plus 11% of RFA over 100 sq. ft.	
200 to 499 sq. ft.	38 sq. ft. plus 12% of RFA over 200 sq. ft.	
500-999 sq. ft.	75 sq. ft. plus 11% of RFA over 500 sq. ft.	
1,000 to 1,499 sq. ft.	131 sq. ft. plus 7.5% of RFA over 1,000 sq. ft.	Three
1,500 to 2,999 sq. ft.	169 sq. ft. plus 2.5% of RFA over 1,500 sq. ft.	
3,000 sq. ft. or more	206 sq. ft. plus 1.5% of RFA over 3,000 sq. ft.	Four <sup>1</sup>

Notes:<sup>1</sup> Single-occupant premises with RFA's larger than 3,000 sq. ft., and having separate departments, each with a separate exterior entrance, may have one building-mounted sign or canopy-mounted sign per department.

(Code 2003, § 3.210)