

**CITY OF HOUSTON
BUILDING CODE
CHAPTER 46**

HOUSTON SIGN CODE

NOTE: ALTHOUGH THIS SIGN CODE CONSTITUTES CHAPTER 46 OF THE CITY OF HOUSTON BUILDING CODE (BASED UPON THE 2006 INTERNATIONAL BUILDING CODE), IT IS SEPARATELY PUBLISHED.

Current through Ordinance No. 2012-1050
Effective December 12, 2012
Compiled by the City of Houston Legal Department

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SECTION 4601--SCOPE

(a) General. The provisions of this Chapter 46 shall apply to all "signs," as that term is defined herein, within the "sign code application area," as that term is defined herein.

(b) Toll Road Signs. Signs regulated under this chapter that are visible from the main-traveled way of toll roads within Harris County are subject to additional regulation under the regulations adopted by Harris County Commissioners Court at Volume 126, page 348, of the Commissioners Court records and amendments thereto. A separate permit may be required from the county engineer and the county regulations may be more restrictive. Approval of plans, issuance of a permit or approval of work by the City does not constitute the approval of Harris County.

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SECTION 4602--DEFINITIONS

In this chapter, the following terms shall have the meanings herein ascribed to them, unless the context of their usage clearly indicates another meaning:

ADVERTISING shall mean to seek the attraction of or to direct the attention of the public to any goods, services or merchandise whatsoever.

BUSINESS PURPOSES shall mean the erection or use of any property, building or structure, permanent or temporary, for the primary purpose of conducting in said building or structure or on said property a legitimate commercial enterprise in compliance with all ordinances and regulations of the city governing such activity; a business purpose shall not include any property, building or structure erected or used for the primary purpose of securing a permit to erect a sign.

CABINET shall mean that portion of a sign structure containing the advertising display.

CANDELA shall mean a unit of luminous intensity equal to 1/60 of the luminous intensity per square centimeter of a blackbody radiating at the temperature of solidification of platinum (2,046°K). Also called *candle*.

CHANGEABLE MESSAGE SIGN shall mean any on-premise sign that is capable of changing its message, copy or appearance by electronic processes, and shall include but not be limited to those on-premise signs employing changeable message light emitting diode technology, commonly referred to as LED signs.

CITY CODE shall mean the Code of Ordinances of the City of Houston, Texas, as amended.

CURB LINE shall mean an imaginary line drawn along the edge of the pavement on either side of a public street.

COMMERCIAL OR INDUSTRIAL ACTIVITY shall mean property that is devoted to use for commercial or industrial purposes and not for residential purposes. "Commercial or industrial activity" shall not include the following:

- (1) Signs;
- (2) Agricultural, forestry, ranching, grazing, farming and related activities, including but not limited to temporary wayside fresh produce stands;

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- (3) Activities not housed in a permanent building or structure;
- (4) Activities not visible from the traffic lanes of the main-traveled way;
- (5) Activities conducted in a building primarily used as a residence; and
- (6) Railroad right-of-way.

CONSTRUCTION CODE shall mean the City of Houston Building Code, the City of Houston Plumbing Code, the City of Houston Mechanical Code and the City of Houston Electrical Code. This Chapter 46, which is sometimes referred to as the Houston Sign Code, constitutes a chapter of the City of Houston Building Code.

EFFECTIVE DATE. Except as otherwise provided herein, the meaning of the term "effective date" depends upon the location of a sign or proposed sign within the sign code application area, and it shall be determined as follows:

- (1) With respect to any area within the corporate limits of the City of Houston as the corporate limits existed on May 8, 1980: May 8, 1980.
- (2) With respect to any area annexed into the corporate limits of the City of Houston between May 8, 1980, and May 31, 1985: the date of the first publication of notice for a public hearing regarding the proposed annexation as required pursuant to Section 6 of former Article 970 (a), Texas Revised Civil Statutes Annotated.
- (3) With respect to the area of extraterritorial jurisdiction of the City of Houston as defined by Section 42.021 of the Local Government Code, as the area of extraterritorial jurisdiction existed on May 31, 1985: May 31, 1985.
- (4) With respect to any area annexed into the corporate limits of the City of Houston after May 31, 1985, and any extension of the area of extraterritorial jurisdiction of the City of Houston that resulted from such an annexation: the date of the first publication of notice for a public hearing regarding the proposed annexation as required pursuant to Section 6 of former Article 970 (a), Texas Revised Civil Statutes Annotated

or Section 43.052 of the Local Government Code, as applicable.

ELECTRONIC SIGN shall mean any off-premise sign that is capable of changing its message, copy or appearance by electronic or mechanical processes, and shall include but not be limited to those signs employing changeable message light emitting diode technology, commonly referred to as LED signs.

FEDERAL PRIMARY SYSTEM shall mean the Interstate and Freeway Primary System and the Nonfreeway Primary System.

FREEWAY shall mean any state highway or federal highway or county highway within the sign code application area to or from which access is denied or controlled, in whole or in part, from or to abutting land or intersecting streets, roads, highways, alleys or other public or private ways.

FRONTAGE shall mean that portion of any tract of land that abuts a public street right-of-way.

GENERAL RIGHT-OF-WAY shall mean a right-of-way that is not classified as a predominantly residential right-of-way or scenic or historical right-of-way or district and that is owned, leased or otherwise legally controlled by the person placing a sign thereon.

HIGH TECHNOLOGY SIGN shall mean any sign that utilizes electronic processes, such as light emitting diode (LED) technology, rather than mechanical or other means, to display a fixed and unchangeable message.

HIGHWAY shall mean any state highway, federal highway, or county highway that does not constitute a freeway.

INSTITUTION OF HIGHER EDUCATION shall mean a private or independent institution of higher education, as defined in Section 61.003(15) of the Texas Education Code, located on a single campus comprising an area in excess of twenty acres and located within the corporate limits of the city. In determining the size of the campus, areas containing dedicated streets shall be included as part of the campus.

INTERSTATE AND FREEWAY PRIMARY SYSTEM shall mean that portion of the national system of interstate and defense highways located within Texas that are now or hereafter may be officially designated the "Interstate System" by the Texas Transportation Commission and approved pursuant to Title 23, United States Code, Section 131, as amended.

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LIGHTER- OR HEAVIER-THAN-AIR CRAFT shall mean a structure for navigation of the air or floating in the air that (1) is supported either by its own buoyancy or by the dynamic action of air against its surfaces, (2) is carrying one or more natural persons and (3) is not in contact with or tethered to the ground in any manner.

LOCAL STREET shall mean any public street not designated as a major thoroughfare, freeway, or highway.

LOGO shall mean any pictorial symbol, device or other visual representation commonly utilized by, and associated with, any commercial business or commercial service entity as a means of identifying or advertising such entity.

MAJOR THOROUGHFARE shall mean (1) a public street that is designated on the most recent "Major Thoroughfare and Freeway Plan" approved by the City Planning Commission, or (2) any street that is designated as an express street pursuant to Section 45-39 of the City Code, and that is shown in the "Express Street Map" of the Traffic Management Maintenance Division of the Department of Public Works and Engineering, and (3) those streets listed by the Traffic Engineer or his authorized designee, as collector streets upon finding that such streets carry high traffic volumes and traffic-control measures are used on them to expedite the safe movement of through traffic.

MEDICAL INSTITUTION shall mean one or more facilities located on a single campus comprising an area in excess of twenty acres located within the corporate limits of the city, and dedicated to the prevention and treatment of illness and disease and the preservation of good health through the services of medical, nursing or allied health professionals recognized by the American Medical Association. In determining the size of the campus, areas containing dedicated streets shall be included as part of the campus

NIT shall mean a unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter.

NONFREEWAY PRIMARY SYSTEM shall mean that portion of the connective main highways located within Texas that are now or hereafter may be designated the "Primary System" by the Texas Highway and Public Transportation Commission and approved pursuant to Title 23, United States Code, Section 131, as amended.

NON RATED shall mean "No requirements for fire resistance" as established in Table 302 of this Code.

PERSON shall mean an individual, company, corporation, partnership, association or any other entity.

PREDOMINANTLY RESIDENTIAL RIGHT-OF-WAY shall mean a public right-of-way between two intersecting public streets in which a majority of the total front footage is used for residential purposes.

PUBLIC RIGHT-OF-WAY shall mean any part of a right-of-way that is not privately owned or controlled and that is the responsibility of the city or other similar public agency to maintain.

PUBLIC STREET shall mean the entire width between property lines of any road, street, way, alley, bridge or other similar thoroughfare, not privately owned or controlled, when any part thereof is open to the public for vehicular traffic, is the responsibility of the city or other similar public agency to maintain, and over which the city has legislative jurisdiction under its police power.

RATED shall mean fire rated as established in Table 302 of this Code.

RESIDENTIAL PURPOSES shall mean property devoted to use as a single-family or multifamily residence. Residential purposes shall include, but not be limited to, property used for houses, duplexes, condominiums, townhouses, townhomes, patio homes and apartments; property used for hotels, motels and boarding houses shall not be considered as used for residential purposes. Property devoted to both residential and nonresidential use shall be considered as used for residential purposes.

RIGHT-OF-WAY shall mean the property fronting on, immediately adjacent to and on either side of a public street or a nonpublic street.

SCENIC OR HISTORICAL RIGHT-OF-WAY OR DISTRICT shall mean those areas described in Appendix A to this chapter, each of which is specified with its date of creation.

SIGN shall mean any outdoor display, design, pictorial or other representation that shall be so constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever so that the same is designed, intended, or used to advertise or inform, or any similar display, design, pictorial, or other representation appearing in a window in a manner to be visible from the right-of-way. The term "sign" shall include the sign structure. Every sign shall be classified and conform to the requirements of each of such classifications set forth in this chapter.

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SIGN CODE APPLICATION AREA shall mean the corporate limits of the City of Houston and the area of its extraterritorial jurisdiction as defined by Section 42.021 of the Local Government Code. For purposes of the regulation of on-premise signs only, the sign code application area shall not be deemed to include those portions of the City of Houston's area of extraterritorial jurisdiction that are situated in Harris County. **Note:** See the regulations adopted by the Harris County Commissioners Court on May 17, 1988, at Volume 138, page 263, of the Commissioners Court records and any amendments thereto.

SIGN STRUCTURE shall mean any structure that supports or is capable of supporting any sign, including all inter-related parts and materials designed to be used or intended to be used to support a sign face whether containing a message or not. A sign structure may be a single pole and may or may not be an integral part of a building.

SINGLE FAMILY RESIDENCE shall mean the use of a lot with one building designed for and containing not more than two separate units with facilities for living, sleeping, cooking and eating therein. A lot upon which is located a free-standing building containing one dwelling unit and a detached secondary dwelling unit of not more than 900 square feet also shall be considered a single-family residence. A building that contains one dwelling unit on one lot that is connected by a party wall to another building containing one dwelling unit on an adjacent lot shall be a single-family residence.

SPECIAL EMPLOYMENT DISTRICT shall mean one or more tracts of land containing 50 acres or more of land that have the following characteristics:

- (1) All of such tracts are located in a contiguous area less than ten square miles in area;
- (2) A majority of the tracts are restricted to predominantly nonprofit or noncommercial medical or educational purposes;
- (3) There are located on such tracts medical and/or educational entities that employ, on an annual basis, not less than 25,000 persons and that provide, on an annual basis, medical or educational services to more than 500,000 members of the public; and
- (4) A majority of the 500,000 persons receiving such services arrive at the special employment district by motor vehicle.

As used in this definition, the contiguous area shall be calculated by circumscribing the tracts proposed to be included in the special employment

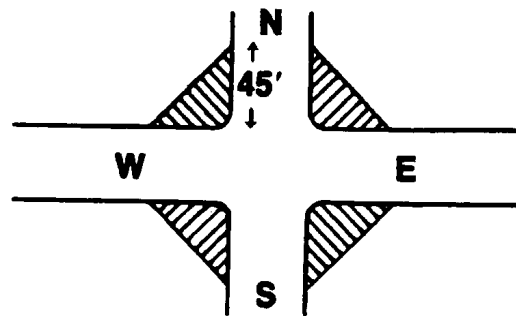
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district by tangent lines connecting the points on each tract external to the contiguous area.

TOTAL FRONT FOOTAGE shall mean the total length of the footage of property fronting on both sides of a public street.

VISIBLE shall mean capable of being seen from a right-of-way, whether legibly or not, by a person of normal visual acuity without the use of visual aids.

VISIBILITY TRIANGLE shall mean the triangular area adjacent to the intersection of any public street or public alley within which sight lines are maintained for vehicular traffic. The triangle is established by measuring a distance of 45 feet from the intersection of the extended curb or edge of the pavement of the street or alley. A straight line connecting the ends of each measured distance that forms the hypotenuse shall establish the visibility triangle.



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SECTION 4603--CLASSIFICATIONS

(a) On-premise Signs and Off-premise Signs. For the purposes of this chapter and the regulations and provisions hereof, a sign shall be first classified as either an "on-premise sign" or an "off-premise sign."

ON-PREMISE SIGN shall mean any sign identifying, advertising, or providing information about the business, person, activity, goods, products or services primarily sold or offered for sale on the premises where the sign is installed and maintained when such premises is used for business purposes.

OFF-PREMISE SIGN shall mean any sign that advertises a business, person, activity, goods, products or services not usually located on the premises where the sign is installed and maintained, or that directs persons to any location not on the premises.

(b) Types of Signs. All signs shall further be classified into one of the following types of signs:

BANNER SIGN shall mean any sign constructed of cloth, canvas, light fabric or other light material, not to exceed 40 square feet in size; provided that portable signs, flag signs, and awning signs shall not be considered banner signs.

GROUND SIGN shall mean a sign that is supported by uprights or braces in or upon the ground, including portable signs.

MARQUEE SIGN shall mean a sign attached to or hung from a canopy or covered structure projecting from and supported by a frame or pipe support extending beyond a building.

PROJECTING SIGN shall mean any sign that is affixed to any building wall or structure and extends beyond the building wall or structure more than 12 inches.

ROOF SIGN shall mean any sign or portion of a sign erected, constructed or maintained above the roofline of any building.

WALL SIGN shall mean any sign affixed to or painted upon the wall of any building.

(c) Special Function Signs. Any on-premise or off-premise sign of any type may also be included within one or more of the following additional classifications according to special functions:

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AWNING SIGN shall mean any sign constructed of a fabric type material stretched over a rigid metal frame that is attached to the wall, roof or mansard of a building. Such signs shall be classified as wall signs.

ELECTRICAL SIGN shall mean any sign containing electrical wiring or utilizing electric current, but not including signs illuminated by an exterior light source.

FENCE SIGN shall mean any sign affixed to or painted upon a fence. A fence sign shall be classified as a ground sign, but shall not be required to comply with the structural requirements of Section 4609.

FLAG SIGN shall mean any flag except the flags of the United States, Texas or any other governmental entity, used for advertising, that contains or displays any written message, business name, pictorial representation, logo, corporate symbol, silhouette or other visual representation identifying or advertising a particular business, good, service or merchandise sold or available for sale on the premises where the flag is erected, displayed or maintained.

MESSAGE BOARD SIGN shall mean any sign or portion of a sign containing a sign face designed to allow the removal or replacement of individual letters, words or symbols on the sign face for the purpose of changing an advertising message.

MULTI-TENANT SIGN shall mean an on-premise sign displaying commercial advertising for two or more distinct commercial businesses or commercial service entities upon a single sign structure.

PORTABLE SIGN shall mean any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier or other nonmotorized mobile structure; a portable sign that has its wheels removed shall still be considered a portable sign hereunder. For the purposes of this chapter, trailer signs and signs on benches are portable signs.

PROVISIONAL SIGN shall mean a sign of light weight material to be used until permanent signage can be fabricated and erected.

SPECTACULAR SIGN shall mean a sign that has one or more of the following as elements in its physical structure:

- (1) Automatically changing message that changes more often than once every five minutes;

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- (2) Blinking, rotating, moving, chasing, flashing, glaring, strobe, scintillating or spot lights, or similar devices;
- (3) Lights or colored elements creating a continuously moving, shimmering or prismatic effect; or
- (4) Rotating or moving parts.

(d) The various classifications established in this section shall also constitute definitions for purposes of the interpretation of this chapter.

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SECTION 4604--SIGN ADMINISTRATION AND ENFORCEMENT

(a) Sign Administrator. The Director of Public Works and Engineering shall appoint a Sign Administrator to administer and enforce the terms and conditions of this chapter and all other provisions of law relating to signs. The Sign Administrator is empowered to delegate the duties and powers granted to and imposed upon him by this chapter to other persons serving under the Sign Administrator. The Sign Administrator and such other persons shall constitute the Sign Administration Section of the Department of Public Works and Engineering. The Sign Administrator is directed to enforce and carry out all provisions of this chapter.

(b) Enforcement Responsibility. The duties of the Sign Administrator shall include not only the issuance of permits as required by this chapter, but also the responsibility of ensuring that all signs comply with this chapter and any other applicable laws, and that all signs for which a permit is required do, in fact, have a permit. The Sign Administrator shall make such inspections as may be necessary and initiate appropriate action to bring about compliance with this chapter and other applicable law if such inspection discloses any instance of noncompliance. The Sign Administrator shall investigate thoroughly any complaints of alleged violations of this chapter.

(c) Powers of Sign Administrator. The Sign Administrator shall have the power and authority to administer and enforce the conditions of this chapter and all other laws relating to signs. Included among such powers are the following specific powers:

- (1) Every sign for which a permit is required shall be subject to the inspection and approval of the Sign Administrator. When deemed advisable by the Sign Administrator, a sign may be inspected at the point of manufacture if such point is within or adjacent to the sign code application area.
- (2) Upon presentation of proper identification to the owner, agent or tenant in charge of such property, the Sign Administrator or his representative may enter, for the purposes of inspecting and investigating signs or sign structures, any building, structure or other premises or property during normal business hours, provided, however, that in cases of emergency where extreme hazards are known to exist that may involve imminent injury to persons, loss of life or severe property damage, and where the owner, agent or tenant in charge of the property is not available after the Sign Administrator has made a good faith effort to locate same, the Sign Administrator may enter the aforementioned structures and premises at any time upon presentation of proper identification to any person on the premises. Whenever the Sign Administrator or his representative shall enter upon private property, under any circumstances, for the purpose of

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inspecting and/or investigating signs or sign structures, which property has management in residence, such management, or the person then in charge, shall be notified of his presence and shown his proper and official credentials. The Sign Administrator or his representative, when on private property, shall observe the establishment's rules and regulations concerning safety, internal security and fire protection. Whenever the Sign Administrator is denied admission to inspect any premises, inspection shall be made only under authority of a warrant issued by a magistrate authorizing the inspection for violations of this chapter. In applying for such a warrant, the Sign Administrator shall submit to the magistrate his affidavit setting forth his belief that a violation of this chapter exists with respect to the place sought to be inspected and his reasons for such belief. Such affidavit shall designate the location of such place and the name of the person believed to be the owner, operator or occupant thereof. If the magistrate finds that probable cause exists for a search of the premises in question, he shall issue a warrant authorizing the search, such warrant describing the premises with sufficient certainty to identify the same. Any warrant so issued shall constitute authority for the Sign Administrator to enter upon and inspect the premises described therein.

- (3)** Upon notice and issuance of a stop order from the Sign Administrator, work on any sign that is being conducted in a manner contrary to the provisions of this chapter or is being conducted in a dangerous or unsafe manner shall be immediately stopped. Such notice and order shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work and shall state the conditions under which work may be resumed. Where an emergency exists, written notice shall not be required to be given by the Sign Administrator. Following the issuance of a stop order, the Sign Administrator shall initiate proceedings to revoke any permit issued for the work covered by such stop order, consistent with Section 4604(c)(4), unless the cause of the stop order is resolved to the Sign Administrator's satisfaction.
- (4)** The Sign Administrator shall have, and is hereby granted, the power and authority to revoke any and all licenses or permits authorized by this chapter for violation of the terms and provisions of this chapter, provided that the Sign Administrator shall conduct a hearing prior to the revocation of any license or permit authorized under this chapter to determine the facts incident to the pending revocation. The person whose license or permit is under consideration shall be given at least ten calendar days' written notice of the hearing and shall be permitted to present relevant facts and legal argument regarding the pending revocation. Following such hearing, the Sign Administrator shall

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consider the merits of the case and shall present a written opinion prior to any action. Provided further, however, that if, in the opinion of the Sign Administrator, the health, safety or welfare of the citizens of the sign code application area is endangered by any violation of this chapter, the Sign Administrator may immediately revoke any or all licenses or permits authorized by this chapter and shall conduct the necessary hearing as soon as possible thereafter, but in no case later than three business days after the effective date of the revocation unless the affected licensee or permittee shall request in writing a later date.

- (5) The Sign Administrator shall have the authority to adopt regulations required to implement the provisions of this chapter.
- (6) Pursuant to and in accordance with any agreement between the City and the State of Texas or the United States government, the Sign Administrator is hereby authorized to enforce any applicable terms and provisions of Chapter 391 of the Texas Transportation Code. The Agreement for Carrying out National Policy Relative to Control of Outdoor Advertising, entered into between the United States of America and the State of Texas by instrument dated May 2, 1972, any supplements or amendments to that agreement, and any rules or regulations promulgated by the State of Texas and/or the Texas Department of Transportation pursuant to the said act or agreements with regard to signs.

(d) Violations and Penalties. Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than \$300.00 and not more than \$500.00 for each violation. Each day in which any violation continues shall constitute a separate offense. To the extent that any violation of any provision of this chapter also constitutes a violation of state law, then it shall be punishable as provided by the applicable state law. In addition, the City Attorney is hereby authorized to take all actions, both legal and equitable, necessary to assure compliance with this chapter.

(e) Appeals.

- (1) Any person wishing to appeal a decision of the Sign Administrator on the grounds that the decision misconstrues or wrongly interprets this chapter may, within ten business days after the decision, appeal the same to the General Appeals Board, pursuant to its rules and regulations, and thence to the City Council. Either party in the appeal to the General Appeals Board, whether the original appealing party or the Sign Administrator, may appeal the decision of the General Appeals Board to the City Council by giving notice of appeal in writing to the City Secretary within ten days following the decision of the

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General Appeals Board appealed from, and provided further, that the appealing party shall comply with the Sign Administrator's decision pending appeal unless the Sign Administrator shall direct otherwise. Rule 12 of the City Council's Rules of Procedure (Section 2-2 of the City Code) shall be applicable.

- (2) An appellant who has complied with Rule 12 shall file with the City Secretary, within 60 days following the decision appealed from, a record consisting of the written transcript of the hearing before the General Appeals Board, along with the written exceptions, if any, of each party to the proceedings to the facts and administrative rulings and decisions made by the General Appeals Board. An extension of time for the preparation of the record, not to exceed 30 additional days from the last date for filing the record, may be obtained by filing a statement with the City Secretary not later than 15 days after the last date for filing the record. Such statement shall reasonably explain the need therefor and shall be executed and verified under oath by the appellant, the appellant's legal representative or the certified court reporter responsible for preparation of the transcript. Failure to comply with the provisions of this subsection shall render appellant's notice of appeal void and of no effect and the decision of the General Appeals Board shall thereupon become final and not appealable to the City Council.
- (3) This subsection (e) shall not apply and no appeal shall be granted hereunder regarding any matter under this chapter for which a citation to Municipal Court has been issued by the Sign Administrator.

(f) Sign Advisory Council

There is hereby authorized a Sign Advisory Council consisting of ten members, to serve on an ad hoc basis as the Mayor shall determine. Six members at a meeting shall constitute a quorum. The positions on said Council shall be filled as follows:

Position 1	A representative of the on-premise sign industry
Position 2	A representative of the off-premise sign industry
Positions 3 & 4	Local civic group representatives
Position 5	At-large member who shall be chair of the Sign Advisory Council
Positions 6 & 7	Business persons located in the city who utilize signs
Positions 8 & 9	Land developers operating in the city
Position 10	The Sign Administrator of the City of Houston, or his designee, who shall also serve as the Secretary of the Sign Advisory Council.

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The Sign Administrator may designate, in writing, a person under his supervision to act in his place as his duly authorized representative, said representative to enjoy all rights and privileges of the position. A copy of such a designation, specifying the dates any such person shall act as representative of the Sign Administrator, shall be filed with the minutes of the Sign Advisory Council. The Mayor shall designate as chairman a member of the local business community.

Upon a determination by the Mayor that the Sign Advisory Council should be constituted, members of the Sign Advisory Council shall be appointed by the Mayor, with the approval of the City Council, and shall serve for such term as the Mayor shall designate, with the approval of the City Council, not to exceed one year.

Whenever any position on the Sign Advisory Council becomes vacant by reason of death, resignation or removal, said vacancy shall be filled for the unexpired term of the member being replaced. Should a vacancy occur on the Sign Advisory Council, the Mayor shall appoint, subject to the consent of City Council, another qualified person to serve the unexpired term of such vacancy. Any member of the Sign Advisory Council may be removed at any time by the Mayor without consent of City Council. Each member of the Sign Advisory Council shall serve without compensation.

A City employee member of the Sign Advisory Council shall not vote as a member of such Council on any motion, resolution or recommendation by the Sign Advisory Council, but shall be permitted to give a written opinion or report to the Mayor and City Council concerning any such resolution or recommendation by the Sign Advisory Council.

The duty of the Sign Advisory Council shall be to consider and make recommendations to the Mayor and City Council concerning proposals to create scenic or historical districts or rights-of-way. The Sign Advisory Council may submit a written recommendation to the City Council concerning a scenic or historic district or right-of-way proposed to be created under the provisions of Section 4610 at any time prior to final City Council action on such proposal. Any such report, opinion or recommendation of the Sign Advisory Council is advisory only.

The Sign Advisory Council shall adopt reasonable rules and regulations for the conduct of its duties. A majority of the members of the Sign Advisory Council present, and lawfully meeting, shall determine the wishes of the Sign Advisory Council. All reports or recommendations delivered to the Mayor and City Council shall be rendered in writing with copies to the Sign Administrator.

The Sign Advisory Council shall prepare an agenda in advance of its meetings. The agenda shall be published by conspicuously posting a copy thereof at the City Hall and in the Sign Administration Office.

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SECTION 4605--SIGN PERMITS AND FEES

(a) Permit Required. No person shall erect, reconstruct, alter, relocate or use a sign within the sign code application area without first having secured a written permit from the Sign Administrator to do so, subject to the exceptions set forth in Section 4605(b). It is an affirmative defense to prosecution under this subsection if a sign is excepted from having a permit under Section 4605(b).

(b) Exceptions. No permit shall be required under this chapter for on-premises signs of the following descriptions, unless any such sign is a spectacular sign or portable sign. Any sign listed hereunder shall be erected and maintained in a safe condition in conformity with the Construction Code.

- (1)** Signs painted on glass surfaces or windows or doors; provided however, that electrical signs or signs with structures, greater than six square feet in size, that appear in a window in a manner to be visible from the right-of-way shall require a permit as a wall sign. In addition, no more than twenty percent of a glass storefront may be covered with advertising content.
- (2)** Signs erected by or on behalf of the State of Texas (including political subdivisions thereof) or by or on behalf of the federal government. This exception shall not extend to signs erected by the City and City lessees unless the signs are situated upon property under the jurisdiction of the City's Aviation Department or property leased to the Harris County - Houston Sports Authority. Prior to April 9, 2002, this exception included signs erected by all City departments and City lessees; any sign lawfully erected by the City or any of its lessees as part of a construction project for which the building permit or a sign permit was issued before that date may be erected and continue to be repaired and maintained and may also be replaced with an equivalent sign erected in like manner in the event that the sign is destroyed by a casualty or in the event that the sign is removed and relocated for purposes relating to expansion or renovation of the facility that it serves.
- (3)** Railroad signs.
- (4)** Legal notices and house numbers.
- (5)** A sign not over 40 square feet in area setting forth information concerning a building or other structure under repair or construction or advertising the sale or rental of the premises.
- (6)** Signs authorized by and subject to the provisions of the City Code.

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- (7) Signs otherwise required by federal, state or local laws.
- (8) Directional and Locational Signs**
- a. On-premise signs no larger than 6 square feet in size, and no more than 5 feet in height, that display only business names or logos, setting forth the location of or directions to parking or buildings located on the premises, or regulating the flow of the on-premise traffic. Such directional signs may be lighted, consistent with the other requirements for electrical signs in this chapter and with the requirements of the Construction Code. Such directional signs shall be limited to a maximum of two in number for each entrance utilized for vehicular access to the business premises. A sign permit is required.
- b. Institutions of higher and medical institutions education may utilize a single directional sign per entrance in lieu of the two signs permitted above, provided such sign is no larger than 25 square feet in total size and no more than 8 feet in height, or no larger than 30 square feet in total size and no more than 6 feet in height; any illumination is indirect; and no more than 20 percent of the sign surface is devoted to the logo or entity name. Electronic signs, spectacular signs, and changeable message signs are prohibited. A sign permit is required.
- (9) Signs displayed, designed or used for or upon motor vehicles; except that any sign displayed, designed or used for or upon a vehicle primarily used for the purposes of advertising is not excepted from the provisions of this chapter or of the City Code.
- (10) Signs designed and used for display upon or with lighter or heavier-than-air craft.
- (11) Signs not exceeding 200 square feet that are painted on the face of a building no higher than the roof line and that form an integral part of a canopy or marquee entrance and state only the street number, name of the proprietor and the name of the premises therein, provided that the number of such signs shall not exceed the number of vehicular entrances for such premises, and provided, further, that such signs shall be counted as marquee signs for purposes of Section 4611(b)(1).
- (12) Provisional signs installed by a licensed sign contractor holding current and valid permits for the erection of permanent signage on the location where the provisional signs are erected, until the permanent signage can be installed. The number of provisional signs shall not

exceed the number of permanent signs for which permits have been issued, and any provisional sign must be removed immediately upon the final installation or completion of the permanent sign. No additional permits will be required for the provisional signs.

(c) Application Procedure.

- (1)** The application for a permit shall be submitted in such form as the Sign Administrator may prescribe and shall be accompanied by drawings and descriptive data to verify compliance with the provisions of this chapter. Construction permit applications for any new signs, when erected or constructed to heights exceeding eight feet above ground level or in excess of sixty square feet in size, shall be accompanied by a design drawing of the sign structure and the sign, followed by an as-built drawing based on an on-the-ground inspection, both of which have been prepared by and certified by a professional engineer registered in the State of Texas; the Sign Administrator at his option may also require similar certification by a registered professional engineer where any unusual structural provisions of a proposed sign indicate such certification is necessary in the interest of public safety.
- (2)** Every application shall be executed and verified under oath by both the owner of the premises upon which the sign is to be or has been constructed, or the authorized lessee of such premises, and the sign company if the sign is an off-premise sign, that the sign is authorized to be erected or to be thereafter maintained on the premises, and shall contain the sworn affidavit of the owner or lessee and the sign company that the sign does not violate any applicable deed restriction or other similar restrictions on the premises.
- (3)** If the location, plans and specifications set forth in any application for a permit conform to all of the requirements of this chapter and other applicable provisions of the Construction Code, the Sign Administrator shall issue the permit.

(d) Operating Permit Effectiveness--Renewal Permit. Each operating permit issued shall be effective for a period of one year. Not less than 30 days nor more than 60 days prior to the conclusion of each permit year, applications may be made for a one year extension of the permit. Such application shall be submitted in such form as the Sign Administrator may prescribe, accompanied by payment of applicable fees, and shall be executed, verified and contain the sworn affidavit described in Section 4605(c)(2). If the application for extension of permit fully meets the requirements of applicable law in effect at the time of such application, the Sign Administrator shall issue a renewal permit for an additional one year period or such other time as may be required by law.

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(e) Existing Signs--Operating Permits.

- (1)** After the effective date, all signs then existing must receive operating permits according to the following schedule:
 - a.** All portable signs, by 180 days after the effective date.
 - b.** All other signs located south of Buffalo Bayou and west of South Main Street, by 180 days after the effective date.
 - c.** All other signs located south of Buffalo Bayou and east of South Main Street, by 270 days after the effective date.
 - d.** All other signs located north of Buffalo Bayou, by 360 days after the effective date.

- (2)** In order to receive operating permits, all signs existing on the effective date must conform to the requirements of Section 4607 and Section 4608(a) through (l) when an operating permit is issued; with reference to the remainder of this chapter, all signs existing on the effective date must conform to the requirements of this chapter as follows:
 - a.** Existing portable signs must conform when an operating permit is issued.
 - b.** Existing spectacular signs must conform with the provisions of Section 4608(m)(1) when an operating permit is issued; otherwise, existing spectacular signs must conform six years after the effective date.
 - c.** Existing on-premise signs, unless portable signs or spectacular signs, if they were legally and properly permitted or legally and properly exempt from having a permit prior to the effective date, must conform with the provisions of Section 4611 when an operating permit is issued following six years after the effective date. If such existing on-premise signs were not legally and properly permitted or legally and properly exempt from having a permit prior to the effective date, they shall conform when an operating permit is issued.
 - d.** All other existing signs need not conform if they were legally and properly permitted or legally and properly exempt from having a permit prior to the effective date, provided that when an operating permit is issued following six years after the effective date, such existing signs must conform to the height,

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location and size limitations of this chapter. If such other existing signs were not legally and properly permitted or legally and properly exempt from having a permit prior to the effective date, they shall conform when an operating permit is issued.

- e. Any sign required by any proper authority to be licensed or permitted in an unincorporated area and not so licensed or permitted when said area is brought into the sign code application area by an annexation or extension of the area of extraterritorial jurisdiction shall not be considered to have been "legally and properly permitted" for the purposes of this subsection.

- (3) When any sign or a substantial part thereof is blown down or otherwise destroyed, or taken down or removed for any purpose other than maintenance operations or for changing the letters, symbols or other matter on such sign, it shall not be reerected, reconstructed, repaired or rebuilt, except in full conformance with this chapter. For purposes of this subsection, a sign or substantial part thereof is considered to have been destroyed if the cost of reerecting, reconstructing, repairing or rebuilding the sign is more than 60 percent of the cost of erecting a new sign of the same size, type and equivalent construction at the same location.

- (4) For purposes of Section 4605(e)(3), as to on-premise signs only, the phrase "changing the letters, symbols or other matter on such sign" shall not include replacing the sign cabinet. Any on-premise sign cabinet replacement shall remain the same size as previously permitted and shall meet the structural requirements of this chapter, provided that the voluntary replacement of an on-premise sign cabinet, not incident to the sign structure being blown down or destroyed, shall not be permitted unless the sign structure is re-erected, reconstructed, repaired or rebuilt in full conformance with this chapter.

(f) Subterfuge. Any permit secured before or after the effective date that, in the opinion of the Sign Administrator, has been secured through subterfuge and not in full compliance with the provisions of this chapter shall be revoked by the Sign Administrator, provided that such revocation shall conform with the provisions of Section 4604(c)(4) regarding notice and hearing.

(g) Identification of Signs. Every sign for which a permit is required shall be plainly marked with the name of the owner, lessee or the sign company erecting and maintaining the sign and shall have affixed on the front thereof or on some other location so as to be conspicuous and easily identifiable from an adjacent public street an individually numbered sticker, tag or token provided by the city.

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(h) Construction Permit Effectiveness--Renewal Permit. Any permit for construction of a sign shall become null and void unless construction of the sign is completed within 180 days or the permit is renewed for an additional 180 days, in which case an additional fee shall be payable equal to one-half the original fee paid and the proposed sign shall meet all of the requirements of this chapter on the date of renewal.

(i) Fees. Permit fees, plan examination fees, reinspection fees and plan reexamination fees shall be as set forth in Section 117 of this Code and the city fee schedule. All proceeds derived from the fees collected under this chapter shall be deposited in the Building Inspection Fund and accounted for separately within said fund. All such proceeds shall be used solely to pay the administrative and related costs of enforcing this chapter, provided, however, where a question arises as to the propriety of a cost arising under this chapter, the Mayor shall have the authority to judge the propriety of said cost. Fees for operating permits that are not paid within thirty days following the mailing of a bill therefor by the City will be assessed a 15 percent surcharge.

(j) No Refund of Fees. The applicant for a permit or holder of a permit shall not be entitled to a refund of any fee paid in case the permit is revoked.

(k) Deposit or Bond. When any work on a sign or sign structure that is to be done beyond the curblineline or on or above public property may cause the City to sustain loss, damage or injury to public property or to be put to expense in correcting conditions resulting therefrom, the Sign Administrator shall require the person proposing to do such work to furnish a bond in the amount of \$25,000.00, in the form determined by the City Legal Department, or to post a deposit of a like amount, to indemnify the City against any cost that may be incurred or any loss, damage or injury that may be sustained by the City because of such work, and as a guaranty of compliance with this and other applicable laws and ordinances. Such required bond or deposit shall be furnished or posted before any permit is issued to work.

(l) Electrical Signs. Any electrical sign shall conform fully to the requirements of the City of Houston Electrical Code and shall receive a permit under the provisions therein.

SECTION 4606--SIGN COMPANIES

(a) License Required. Any person wishing to engage in leasing or erecting signs for any other person shall first obtain a license from the Sign Administrator to do so.

(b) License Fee. Any person required to obtain a license under the terms of this section shall pay the annual license fee stated for this provision in the city fee schedule.

(c) Address and Agent for Service of Process. Any person who is required to obtain a license under the terms of this section shall at all times maintain an office within the sign code application area, the current address of which is recorded with the Sign Administrator, or shall appoint and file of record with the Sign Administrator an agent within the sign code application area for service of process.

(d) Insurance. Each person licensed under the terms of this section shall submit evidence that the performance of work in connection with each sign will be covered by approved public liability and property damage insurance in the amount of \$100,000.00 for any person injured, \$300,000.00 for injury to more than one person and \$100,000.00 for property damage. Such policies of insurance shall be in a form selected or approved by the City Attorney and shall indemnify the City of Houston from all claims for personal injury, death or property damage arising from the construction or maintenance of the sign for which the permit is issued. Such policies of insurance shall be issued by an insurance company duly authorized to do business and issue such policies of insurance in the State of Texas and maintaining an office or represented by an authorized agent in the State of Texas and shall require that the insured give 10 days' written notice to the Sign Administrator before cancellation of the policy. Whenever any policy of insurance is cancelled, the Sign Administrator shall require that all work to which such policy applies be stopped immediately.

(e) Removal Bond. Each person licensed under the terms of this section shall furnish a bond in the amount of \$25,000.00 in a form determined by the City Attorney, or post a deposit in such amount, as a guaranty of compliance with this chapter and other applicable laws, including the removal of signs when required.

(f) Electrical Sign Contractor. Each person licensed under the terms of this section whose operations include signs that in any manner include the use of electricity shall adhere to the requirements of the City of Houston Electrical Code.

(g) Vehicle Identification. Each person engaged in the leasing or erecting of signs shall identify all vehicles used by employees in connection with installing, erecting and maintaining signs with the name of their company and their license number. Such information shall be set out on each side of the vehicle in clearly visible, legible and proportionally spaced letters at least 2 inches high with a

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brushstroke width of at least 3/8 inch that are full view at all times. The required information may be painted on the vehicle, permanently attached by decals, or painted on a sign that is permanently attached to the vehicle. The letters shall be of a color that contrasts with the color of the vehicle or with any background color on the decal or sign. Signs attached with nuts and bolts or magnets are deemed not to be permanently attached and will not satisfy the requirements of this section.

SECTION 4607--MAINTENANCE, SAFETY, REMOVAL

(a) Maintenance. All signs shall be kept in good repair and, unless of galvanized or noncorroding metal or treated with appropriate wood preservative, shall be thoroughly painted as often as is necessary, consistent with good maintenance. All braces, bolts, clips, supporting frames and fastenings shall be free from deterioration, termite infestation, rot or loosening. All signs shall be able to withstand safely at all times the wind pressure specified in Section 4609(a)(2). In case any sign is not so maintained, the Sign Administrator shall give written notice to the owner or lessee thereof to so maintain the sign or to remove the sign.

(b) Unsafe Signs. Should any sign, in the opinion of the Sign Administrator, become insecure or in danger of failing, or otherwise unsafe, the Sign Administrator shall give written notice of the condition of the sign to the person owning, leasing, or responsible for the sign. Said person so notified shall correct the unsafe condition of the sign in a manner to be approved by the Sign Administrator in conformity with the provisions of this chapter.

(c) Unlawful Signs. It shall be unlawful to install, erect, construct, reconstruct, alter, relocate, maintain or use any sign in violation of any of the terms of this chapter. Any such violation shall subject the owner, lessee, or person responsible for said sign to citation to Municipal Court by the Sign Administrator; shall subject the owner, lessee, or person responsible for said sign to the process set out in subsection (d) of this section for removal of the sign, revocation of permit, and forfeiture of removal bond; and shall subject the owner, lessee, or person responsible for said sign to any other enforcement process available under this chapter or otherwise available under the law. In addition to these enforcement remedies, the Sign Administrator may give written notice to the owner, lessee or person responsible for said sign ordering said owner, lessee or person to alter the sign so as to comply with this chapter or to remove the sign within a specified period of time, not to exceed ten working days, exclusive of Saturdays, Sundays, and holidays observed by the closure of City offices. For portable and banner signs, the specified period shall not exceed 72 hours; provided, however, that such violation does not create an immediate threat to the public safety. In the event that the Sign Administrator determines that the sign poses an immediate threat to the public safety, the notice period shall not exceed 24 hours. The provisions of this subsection shall not apply to signs on the public right-of-way, which shall be governed by the provisions of Section 4608(c).

(d) Removal of Signs. Any written notice to alter or to remove a sign installed, erected, constructed, reconstructed, altered, relocated, maintained or used in violation of any of the terms of this chapter shall be given by the Sign Administrator by certified mail or written notice served personally upon the owner, lessee or person responsible for the sign, or the owner's agent. For those non-compliant signs for which a permit has been issued, if such order is not complied with within ten days of the posting or service of such notice, the Sign Administrator

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shall initiate proceedings under Section 4604(c)(4) to revoke the permit and remove the sign at the expense of the owner, lessee or person responsible therefor. The sign company that received a permit for any such sign shall be deemed to have forfeited the removal bond required by Section 4606(e), and the Sign Administrator shall use the proceeds of said bond to remove the sign.

(e) Non-use of On-premise Sign Structure. No on-premise sign structure shall be erected or maintained on any premises on which there is no business currently in operation that would require the use of such on-premise sign for advertising. The owner, property owner or permittee shall keep such sign in good repair as required under this section, and shall, in addition, paint over, blank out or otherwise obliterate any existing advertising message on the existing sign face or faces that by virtue of any cessation of business operations on the premises no longer applies to those premises. Provided, further, that any such on-premise sign structure composed of a face or faces circumscribed by one or more cabinets of metal or other material shall at all times have a blank sign face contained within each such cabinet.

SECTION 4608--MISCELLANEOUS SIGN PROVISIONS

(a) Displays and Certain Banners. Seasonal-holiday displays and banners as described in Section 40-30 of the City Code, and similar temporary displays erected without advertising shall not be subject to the provisions of this chapter, but shall be subject to the Fire Code and rules and regulations for fire safety promulgated by the fire marshal.

(b) Special Event Banners. Special event banners, as defined in Section 40-31 of the City Code, shall not be subject to the provisions of this chapter, but shall be subject to the Fire Code and rules and regulations for fire safety promulgated by the fire marshal.

(c) Signs on Public Rights-of-way.

(1) With the exception of signs lawfully permitted or erected prior to the effective date, it shall be unlawful to place a sign upon a public street, public sidewalk, public alley, public right-of-way, public curb or other public improvement in any public street or grounds, on any public bridge or part of same, or on any public building or structure of any kind belonging to the city, or in any public place or on any public improvement unless express consent therefor shall have been first granted by the City Council. This subsection does not apply to public property leased for private business purposes.

(2) Any unlawful sign found within a public right-of-way of a public street, public sidewalk or public alley shall be seized, and removal thereof is hereby authorized. The employees of the Police Department, the Planning and Development Department, the Solid Waste Management Department and the Department of Public Works and Engineering are hereby authorized to impound any signs found on a public street, public sidewalk or public alley and transport or cause the same to be transported to a location to be designated by the Sign Administrator for storage. The custodian of the storage area shall maintain records of where such signs were located when they were so impounded and the date on which they were so impounded and shall hold the same in the storage area for a period of not more than 30 days. Any signs so held may be redeemed by the owner thereof upon the payment of a fee to the City through the custodian thereof, consisting of a fee for hauling the same to storage, plus the per day storage fee for each day the sign is stored. The aforesaid fees shall be as stated for this provision in the city fee schedule. Such fee shall be in addition to and not in lieu of any fine imposed upon such owner for violation of this chapter. Any sign impounded and stored and not redeemed by the owner thereof within 30 days may be transferred to the Surplus Section of the Property Management Division of the

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Finance and Administration Department of the City of Houston to be sold at public auction in the same manner as surplus property of the City.

EXCEPTION: Stake-type signs constructed of cloth, wood, paper or similar lightweight materials that are picked up in the right-of-way may be disposed of immediately, without regard to the foregoing impoundment provisions.

(d) Signs on Private Property. No person shall place a sign on private property without the written consent of the owner or agent for the owner of said private property.

(e) Signs Resembling Official Signs. No sign shall be constructed so as to resemble any official marker erected by the city, state or any governmental agency or so that by reason of position, shape or color it would conflict with the proper functioning of any traffic sign or signal, or so that its shape or color would conflict with or be confused with emergency vehicle lights, especially blinking lights. Use of words such as "stop," "look," "danger" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic is prohibited.

(f) Signs on Traffic Islands. Signs are prohibited on traffic islands, being areas of less than 5,000 square feet entirely bounded by, or located within, the curb lines of a public street or streets, or being any area having a minimum distance of less than 50 feet between the curb lines of any street or streets.

(g) Signs Not to Obstruct.

- (1)** No sign shall be erected, constructed or maintained so as to obstruct any means of egress, or any opening necessary for required light, ventilation or fire fighting or for escape from the premises, or so as to prevent free passage from one part of a roof to any other part thereof.
- (2)** No sign shall be attached to any exterior stairway, fire escape, fire tower balcony or balcony serving as a horizontal exit.
- (3)** No sign shall be erected, constructed or maintained so as to interfere with the free operation of a counterbalanced section of a fire escape, and no projecting sign shall be erected, constructed or maintained without a minimum of 7 feet of clearance over any such counterbalanced section.
- (4)** No sign shall obstruct the free use of any window above the first story.

(h) Signs Employing Motion Picture Machines. No sign shall employ a stereopticon or motion picture machine.

(i) Signs Not to Create Easements. No permit for a sign extending beyond private property onto a public street, public sidewalk or public alley shall constitute a permanent easement, and every such permit shall be revocable at any time by action of the City Council, and the City shall not be liable for any damages to the owner by reason of such revocation.

(j) Change of Ornamental Features or Advertising Display. No sign permit is required for the change of any of the ornamental features or the advertising display of a sign previously permitted. This provision shall not apply to signs under new ownership, to spectacular signs with respect to advertising display, or to converting existing signs to electronic signs, high technology signs, or changeable message signs, nor shall it release a person from complying with all other applicable permitting requirements of the City, including those of the Construction Code.

(k) Signs Obscuring or Interfering with View. Signs may not be located or illuminated in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or so as to obstruct or interfere with the view of a driver of approaching, emerging or intersecting traffic, or so as to prevent any traveler on any street from obtaining a clear view of approaching vehicles for a distance of 250 feet along the street.

(l) Proper Shielding of Lighted Signs--Interference with Drivers of Motor Vehicles. Signs containing lights that are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way from which the sign is primarily viewed and that are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or that otherwise interfere with any driver's operation of a motor vehicle, are prohibited.

(m) Spectacular Signs. Spectacular signs are prohibited.

(n) Visibility Triangle. Within the area of a visibility triangle, no part of the face of a sign shall be lower than a height of 8 feet above grade level of the nearest street.

(o) Flag Signs. Flag signs shall conform to the applicable requirements of Section 4609, including the height requirements of Table 4609. Flag signs shall be counted as ground signs for the purposes of Section 4611(b), notwithstanding their method of attachment, display or installation upon the building or premises where they are located. All flag signs must be permitted; however, one flag sign per frontage, with a maximum of two per business, shall be exempted from the total allowable on-premise sign limitations of Section 4611(b), and such signs shall be exempted from the requirement of operating permits only. Provided, however, all

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flag signs shall comply with the height requirements set forth in Table 4609 and the structural requirements set forth in Section 4609.

(p) Limited Use Banner Sign. In addition to the on-premise signs authorized under Section 4611(b)(1) of this chapter, a permit may be issued in accordance with Section 4605 hereof and in accordance with this subsection for an on-premise, limited use banner sign. Each such sign must otherwise comply with the requirements of this chapter for on-premise banner signs, provided rope or other such lightweight support material may not be used in the construction of the sign, the sign may not exceed 40 square feet in size, and the sign must at all times be securely attached and maintained flush against an exterior wall of a building. Only one such sign may be used on any premises at anytime, and such sign may only be displayed on consecutive days, for a maximum of seven days in any 30 day period. Each such display period shall require the issuance of a separate permit and the payment of appropriate site inspection, plan exam, construction permit, and administration fees as set forth in Section 117 of this Code and the city fee schedule.

(q) Temporary Banners for Businesses Adjacent to Light Rail Construction Projects. In addition to the on-premise signs authorized under Section 4611(b)(1) of this chapter, a permit may be issued in accordance with Section 4605 hereof and in accordance with this subsection for temporary on-premise banners for businesses immediately adjacent to a light rail construction project. Each such temporary banner must otherwise comply with the requirements of this chapter for on-premise signs, provided that said banner may not exceed four feet by eight feet in size and must at all times be securely attached to and maintained flush with an exterior wall of the business. Only one such temporary banner may be authorized per business at any time during an ongoing light rail construction project immediately adjacent to the business. A temporary banner may be displayed at all times during a display period for which a permit has been issued. Each such display period shall last until the light rail construction project is accepted by the City, and shall require the issuance of a separate permit and the payment of appropriate site inspection, plan exam, construction permit, and administration fees as set forth in Section 117 of this Code and the city fee schedule. As part of the permitting process, the applicant shall provide the City a mailing address and an email address for notice that the project has been accepted by the City and the temporary banner sign must be removed. Such notice may be forwarded by the City by regular mail or email to the address provided by the applicant, and the City may presume delivery of such notice to the address provided by the applicant, such that within five (5) days following the posting or sending of such notice the temporary banner sign shall be removed. It shall be the responsibility of the applicant to maintain a current address with the City. Failure to timely remove the temporary banner sign shall be a violation of this ordinance.

SECTION 4609--STRUCTURAL REQUIREMENTS**(a) Design.**

- (1) **General.** All signs and sign structures shall be designed and constructed to resist wind forces as specified in this section and Chapter 16 of this Code. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such manner as not to overstress any of the elements of the building.

The overturning moment produced from lateral forces shall in no case exceed two-thirds of the dead-load-resisting moment for all signs. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building for all signs. The weight of earth superimposed over footings may be used in determining the dead-load-resisting moment. Such earth shall be carefully placed and thoroughly compacted.

The allowable stresses in wire ropes and steel guy rods and their fastening shall not exceed one-fourth of their rated tensile strength.

- (2) **Wind loads.** All signs and sign structures shall be designed to resist wind loads as prescribed in wind design requirements of Chapter 16 of this Code.
- (3) **Vertical design loads.** Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with the wind loads.
- (4) **Working stresses.** All signs shall be designed to conform with the requirements of this Code regarding allowable working stresses. The working strength of chains, cables, guys or steel rods shall not exceed one-fifth of the ultimate strength of such chains, cables, guys or steel rods.

(b) Construction.

- (1) **General.** The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements of this Code.
- (2) **Materials.** Materials for construction of all signs and sign structures shall be of the quality and grade as specified for buildings in this Code and be consistent with the City of Houston Fire Code.

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- (3) **Nonstructural trim.** Nonstructural trim and portable display surfaces may be of wood, metal, approved plastics, or any combination thereof, consistent with the City of Houston Fire Code.
- (4) **Anchorage.** Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed the safe values stated in Section 4609(a)(1). All ground signs shall be anchored to resist the wind load specified in Section 4609(a)(2) acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pullout amounting to a force 25 percent greater than the required resistance to overturning.
- (5) **Signs attached to masonry.** Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to support safely the loads applied.
- (6) **Wooden blocks.** No wooden blocks or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing. Whenever anchors or supports consist of wood embedded in the soil, the wood shall be pressure treated with a preservative approved by the Sign Administrator.
- (7) **Unbraced parapet wall.** No anchor or support of any sign will be connected to or supported by an unbraced parapet wall, unless such wall is designed in accordance with the requirements for parapet walls specified in this Code.
- (8) **Display surfaces.** Display surfaces in all types of signs may be made of metal, wood, glass or "approved plastics," as that term is defined in Section 4609(d)(2), unless otherwise prohibited herein or prohibited by the City of Houston Fire Code.

- (9) **Glass thickness.** Glass thickness and area limitations shall be as follows:

SIZE, THICKNESS AND TYPE OF GLASS PANELS IN SIGNS			
Maximum Size of Exposed Glass Panel Any Dimension Area		Minimum Thickness of Glass (In Inches)	Type of Glass
(in inches)	(in square inches)		
30	500	1/8	Plain, Plate or Wired
45	700	3/16	Plain, Plate or Wired
144	3,600	1/4	Plain, Plate or Wired
Over 144	Over 3,600	1/4	Wired

(c) Electrical Requirements.

- (1) All electrical fixtures, equipment and appurtenances installed in conjunction with a sign shall be designed and installed in accordance with the City of Houston Electrical Code.
- (2) With the exception of electrical signs covered by the provisions of Section 4611(c)(3), all electrical signs shall be limited to bulbs of 150 watts for bulbs located in the face of the sign. Signs shall have electrical circuits limited to the normal voltage used in most commercial buildings, shall contain a sunshade screen dimmer, and shall not use reflectorized lights as part of the face of the sign. For the purpose of this section, "reflectorized lights" shall mean any lamp constructed with reflector-type materials so as to focus, intensify, flood or spot such lamp in a certain direction, including, but not limited to, lamps designated by the manufacturers as flood, spot, reflector flood, reflector spot, reflector light or clear reflector.

(d) Use of Plastic Materials.

- (1) For the purpose of this subsection, the following definitions shall apply:

DISPLAY SURFACE shall mean the entire surface of a sign, on one side, devoted to exhibiting or contrasting exhibits of advertising. The display surface shall generally include the entire sign surface except for the sign frame and incidental supports thereto.

SIGN FACING or **FACING** shall mean a separate and distinguishable portion of the overall display surface.

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- (2) Notwithstanding any other provisions of this chapter, plastic materials that burn at a maximum rate of 2 1/2 inches per minute, in sheets of 0.060 thickness when tested in accordance with "Test for Flammability of Rigid Plastics Over 0.050 Inches in Thickness", ASTM D 635-1974, shall be deemed "approved plastics" for the purposes of this chapter and may be used as the display surface material and for the letters, decorations and facings on signs, provided that the structure of the sign in which the plastic is mounted or installed is noncombustible.
- (3) Individual plastic facings of electrical signs shall not exceed 200 square feet in area. If the area of a display surface exceeds 200 square feet, the area occupied or covered by approved plastics shall be limited to 200 square feet plus 50 percent of the difference between 200 square feet and the total square footage area of the sign.
- (4) The area of plastic on a display surface shall not in any case exceed 550 square feet.
- (5) Letters and decorations mounted upon an approved plastic facing or display surface shall be made of approved plastics.

(e) Height and Size Limitations.

- (1) Except as stated herein, no ground sign shall be established, constructed or erected that exceeds an overall height of 42 1/2 feet, including cutouts extending above the rectangular border, measured from the highest point on the sign to the grade level of the ground surface in which the sign supports are placed. On-premise ground signs shall be further limited in height and size in accordance with Table 4609. On-premise roof signs shall not at any point exceed 8 feet above the roof level; an on-premise wall sign erected upon a facade, false front, mansard or other similar architectural construction that extends above the actual roof shall not at any point exceed 8 feet above the highest point of the actual roof. Projecting signs shall be a minimum of 14 feet in height above the grade. These height limitations shall not apply to on-premise signs lawfully permitted or lawfully erected prior to the effective date.
- (2) The maximum height limit above grade for signs in the "central business district" as that term is defined by Chapter 42 of the City Code, as amended, shall be 42 1/2 feet. A wall sign may extend no higher than 8 feet above the roof line of the building.

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Exception. The height limit of 42½ feet for signs in the central business district shall not apply to a headquarters logo sign that meets each of the following criteria:

1. The sign may display only the registered trademark or a portion of the registered trademark of the principal occupant of a headquarters building. For purposes of this requirement, a headquarters building is a structure that has 750,000, or more, square feet of gross usable floor space, provided that at least 45 percent of the gross usable floor space is occupied by the holder of the registered trademark as the headquarters for its operations in the world, within the United States, or within a region of the world that includes all of the United States.
2. The sign shall be displayed upon the surface structure of the headquarters building. The display may be created by light projection, video projection, laser technology, or other technology that causes the image to appear upon the surface structure of the building and shall appear upon the roof structure, a parapet wall, or other building surface that is situated above the highest occupiable story of the building. The sign shall be visible only between sunset and sunrise. The sign may utilize projection equipment or other light sources that are not readily visible from ground level but shall not utilize any conventional sign cabinet or structure.
3. Evidence must be provided with the sign permit application that (i) the entity to be represented on the sign is the principal occupant of the headquarters building, meaning that it occupies more space within the building than any other occupant, (ii) that the criteria set forth in Item (1) above are applicable, and (iii) that the building owner accepts and agrees to the removal requirement specified below. The building owner's agreement to remove the sign shall be accompanied by evidence of title demonstrating ownership of the building, shall be in the form of a covenant running with the title to the property that is approved by the city attorney, and shall be recorded at the applicant's expense in the real property records of Harris County.
4. The sign illumination must be a continuous image that is not blinking or animated in any manner.

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5. No more than two signs, each not exceeding 1500 square feet in area, may be placed on any building under this exception.

A sign authorized under this exception is authorized for only so long as each of the criteria specified above remains in effect. Upon request of the Sign Administrator, the permit holder shall provide evidence of compliance with the requirements of this section. Upon failure to timely provide evidence of compliance or upon any change of circumstances that causes a sign to no longer be authorized, the Sign Administrator shall revoke the permit, and the building owner shall upon request of the Sign Administrator cause the sign to be removed.

- (3) The aggregate size of all wall signs shall cover no more than 50% of the wall surface upon which they are mounted or painted.
- (4) Except as stated herein, and subject to such further restrictions on size as are established under Table 4609, no on-premise sign other than an on-premise wall sign shall be established, constructed, or erected that has a face area exceeding 300 square feet, including cutouts, but excluding uprights, or that has face dimensions that exceed 30 feet in width. No off-premise sign shall be established, constructed or erected that has a face area exceeding 672 square feet, including cutouts, but excluding uprights. No double faced off-premise sign shall be established, constructed or erected unless each face is 75 square feet or less and the faces are abutting on one edge. Additional restrictions on the height and size of signs, according to the type of sign and the category of right-of-way adjacent to the frontage where the sign is located, are shown in Table 4609 as follows:
- (5) "Sign type," for purposes of Table 4609, refers to the number of separate and distinct business entities, service entities, persons or organizations utilizing a single sign structure for their respective commercial advertising messages. The term "single business sign" shall mean any sign, regardless of the number of faces, messages or cabinets on the sign structure, that contains advertising for a single business or service entity only. Regardless of the number of the sign faces on any single sign structure advertising separate business or service entities, no business or service entity shall have a sign larger in size than that authorized for a single business or service entity. The size in square feet referred to in Table 4609 is the total area allowable for the combined area of all sign faces on any one side of a single sign structure. For purposes of Table 4609, any sign that is located along and visible from more than one category of right-of-way

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shall be subject to the least restrictive requirements established for signs of any category of right-of-way from which the sign is visible and along which the sign is located.

(f) Method of Determining the Area of a Sign. In determining the area of any sign, the dimensions of the rectangle enclosing the signboard, excluding the supporting structure, shall be used. In measuring ground signs with more than one cabinet, each cabinet will be circumscribed. If the sign includes cutouts or facings extending beyond the dimensions of the rectangular signboard, the measurement of the sign area shall include the actual area of the cutout or extended facings. For signs of a double-faced, back-to-back or V-type nature, each face shall be considered a separate sign in computing the face area.

No on-premise, "single business sign," as that term is defined in Section 4609(e)(5), shall be comprised of more than three cabinets when being circumscribed as one ground sign with visible air space between cabinets.

(g) Clearances.

- (1) Clearances from high voltage power lines shall meet the distances prescribed in the National Electrical Safety Code in the version adopted in the City of Houston Electrical Code, a copy of which is on file in the City Secretary's Office.
- (2) No portion of a sign or sign structure shall project into any public alley unless said portion is a minimum of 14 feet in height above grade.

(h) Fire Prevention Requirements.

- (1) For the purposes of this section, the following definitions shall apply:

NONCOMBUSTIBLE MATERIAL shall mean material no less flammable than steel, iron, or other similar metal, or as the term shall be otherwise defined by the City of Houston Fire Code or this Code, or by the Sign Administrator, "noncombustible material" shall include "incombustible" material.

COMBUSTIBLE MATERIAL shall mean material more flammable than metal, but no more flammable than wood or "approved plastics," as that term is defined in Section 4609(d)(2); no material more flammable than wood or approved plastic shall be used in any sign.

- (2) When signs are required herein to be constructed of noncombustible material, all parts of such signs, including the sign structure, shall be

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of noncombustible material, except that the following parts made out of combustible material shall be permitted:

- a. Small ornamental moldings, battens, cappings and nailing strips;
 - b. Individual letters, symbols, figures and insignia supported by or within a noncombustible frame or a permitted combustible facing as permitted by Section 4609(h)(2)c;
 - c. Portions of each face of a sign, up to but not exceeding 100 square feet of facing, as long as the total area of facing for such sign does not exceed 200 square feet;
 - d. Wood posts and braces for signs whose surface is no more than 10 feet 6 inches in height at any point when measured from the ambient ground level if the sign is determined to be nonhazardous by the Sign Administrator, based on health and safety considerations, including, but not limited to, their location, their proximity to other flammable materials, the proximity to occupied structures and the proximity to necessary fire-fighting equipment.
- (3) Notwithstanding any other provision of this chapter, non-electrical signs attached to a building may be constructed of combustible materials when attached or affixed to a non rated building. All building signs attached or affixed to a rated building shall be constructed of noncombustible materials.

(i) Ground Signs.

- (1) Lighting reflectors on ground signs may project beyond the face of the sign.
- (2) Every ground sign shall provide rigid construction to withstand wind action in all directions.
- (3) Any person, including owner, lessee or other person using any vacant lot or premises for the location of a ground sign shall keep such premises clean, sanitary, inoffensive and free and clear of all obnoxious substances and unsightly conditions on the ground in the vicinity of such ground sign.

(j) **Wall Signs.** Wall signs attached to exterior walls of solid masonry, concrete or stone shall be safely and securely attached to the same by means of metal anchors, bolts or expansion screws of not less than 3/8 inch diameter and

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shall be embedded at least 5 inches. Wood blocks shall not be used for anchorage, except in the case of wall signs attached to buildings with walls of wood. A wall sign shall not be supported by anchorages secured to an unbraced parapet wall.

(k) Roof Signs.

- (1) All on-premise roof signs shall be so constructed as to display no space between the top of the roof and the lowest part of the sign. In addition, no portion of any roof sign structure shall project beyond an exterior wall.
- (2) Every roof sign affixed to a rated building shall be constructed entirely of steel, including the upright supports and braces. Roof signs shall not be located on any roof in such a manner that the location would impede access to any portion of the roof by Fire Department personnel.
- (3) The bearing plates of all roof signs shall distribute the load directly to or upon masonry walls, steel roof girders, columns or beams. The building shall be designed to avoid overstress of these members.
- (4) All roof signs shall be thoroughly secured to the building upon which they are installed, erected or constructed by iron, metal anchors, bolts, supports, chains, stranded cables, steel rods or braces, and they shall be maintained in good condition as set forth in Section 4607(a).

(l) Projecting Signs.

- (1) All projecting signs shall be securely attached to a building or structure by metal supports such as bolts, anchors, supports, chains, guys or steel rods. Staples or nails shall not be used to secure any projecting sign to any building or structure.
- (2) The dead load of projecting signs, not parallel to the building or structure, and the load due to wind pressure shall be supported with chains, guys or steel rods having net cross-sectional dimension of not less than 3/8 inch in diameter. Such supports shall be erected or maintained at an angle of at least 45 degrees with the horizontal to resist the dead load and at an angle of 45 degrees or more with the face of the sign to resist the specified wind pressure. If such projecting sign exceeds 30 square feet in one facial area, there shall be provided at least two such supports on each side of the sign not more than 8 feet apart to resist the wind pressure.

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- (3) All supports shall be secured by an expansion shield to a bolt or expansion screw of such size that will develop the strength of the supporting chain, guy or steel rod, with a minimum 5/8 inch bolt or lag screw. Turn buckles shall be placed in all chains, guys or steel rods supporting projecting signs.
- (4) Chains, cables, guys or steel rods used to support the live or dead load of projecting signs may be fastened to solid masonry walls with expansion bolts or by machine screws in iron supports, but such supports shall not be attached to an unbraced parapet wall. Where the supports must be fastened to walls made of wood, the supporting anchor bolts must go through the wall and be plated and fastened on the wall in a secure manner.
- (5) A projecting sign shall not be erected on the wall of any building so as to project above the roof or cornice wall or above the roof level where there is no cornice wall; except that a sign erected at a right angle to the building, the horizontal width of which sign perpendicular to such wall does not exceed 18 inches, may be erected to a height not exceeding 2 feet above the roof or cornice wall or above the roof level where there is no cornice wall. A sign attached to a corner of a building and parallel to the vertical line of such corner shall be deemed to be erected at a right angle to the building wall.

(m) Marquee Signs. Marquee signs shall be attached to or hung from a marquee. The lowest point of a sign hung from a marquee shall be at least 8 feet above the ambient sidewalk or ground level, and further, such a sign shall not extend or project beyond the corners of the marquee. Marquee signs may be attached to the sides and front of a marquee, and a sign may extend the entire length and width of said marquee, provided that no sign shall extend more than 6 feet above nor 1 foot below such marquee, nor have a vertical dimension greater than 8 feet.

(n) Portable Signs.

- (1) New portable signs are prohibited. No new construction permits shall be issued for portable signs. Provided, however, legally permitted on-premise portable signs may be relocated during the remainder of their useful life to any business premises upon payment of any applicable inspection or related fee; provided, further, that such relocation complies with the provisions of this subsection and all other applicable provisions of this chapter for on-premise signs.
- (2) Every portable sign that is designed or constructed as a trailer shall be equipped with a trailer hitch and locking device approved by the Sign Administrator to hold the trailer in a securely locked position

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during transport. All such hitching equipment shall also comply with all applicable federal, state and local laws regulating same.

- (3) Every portable sign not in transit shall be securely anchored to the ground by cables, ground supports or other means acceptable to the Sign Administrator to prevent overturning in high winds.
- (4) Portable signs shall for the purposes of this chapter be considered nonmobile, nonportable ground signs and thereby are subject to all provisions of this chapter, including the structural requirements, spacing requirements, permitting and fee requirements, on-premise and off-premise provisions, and all other provisions of this chapter applicable to ground signs unless a provision that applies by its terms to portable signs is in conflict with a provision applying to ground signs, in which case the provision applying specifically to portable signs would control.

(o) Signs of V-type or Back-to-back Construction.

- (1) The angle between the faces of V-type signs shall be no greater than 45 degrees measured back to back and if the area of each face is 300 square feet or less, the maximum distance at the nearest point between the two backs, as measured at the apex, shall not exceed 1 1/2 feet; if the area of either face exceeds 300 square feet, then the maximum distance between the two backs, as measured at the apex, shall not exceed 3 1/2 feet.
- (2) Back-to-back signs must be on common supports, and if the area of each is 300 square feet or less, then the nearest point between the two backs shall not exceed 5 feet plus the diameter of the intervening upright or support.

(p) Flag Signs. Flag signs shall meet all requirements for flag pole structures set forth in the Guide Specifications for Design Loads of Metal Flag Poles published by the National Association of Architectural Metal Manufacturers Manual (NAAMM Standard F P-1-86, Second Edition).

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TABLE 4609¹
ALLOWABLE ON-PREMISE GROUND SIGN HEIGHTS AND SIZES
BY SIGN TYPE AND CATEGORY OF RIGHT-OF-WAY

SIGN TYPE	CATEGORY A		CATEGORY B		CATEGORY C	
	Height	Size	Height	Size	Height	Size
	(Ft.)	(SFt.)	(Ft.)	(SFt.)	(Ft.)	(SFt.)
SINGLE BUSINESS	14	100	24	200	42½	300
MULTI-TENANT 2 OR 3 BUSINESSES	19	200	30	400	42½	525
MULTI-TENANT 4 OR MORE BUSINESSES	24	300	36	600	42½	750
FLAG	20	—	40	—	60	—

CATEGORY A shall mean visible from and located on premises with frontage on local streets, predominantly residential rights-of-way and scenic and historical rights-of-way and districts.

CATEGORY B shall mean visible from and located on premises with frontage on major thoroughfares other than predominantly residential rights-of-way or scenic and historical rights-of-way and districts.

CATEGORY C shall mean visible from and located on premises with frontage on freeways other than predominantly residential rights-of-way or scenic and historical rights-of-way and districts.

1. Applies to signs initially permitted prior to September 1, 2009. For signs permitted after that date, see Table 4611.

SECTION 4610--DESIGNATION OF SCENIC OR HISTORICAL RIGHTS-OF-WAY OR DISTRICTS

(a) This section shall govern the designation of scenic or historical rights-of-way or districts within the sign code application area. The provisions of this section shall not apply to signs lawfully erected and lawfully existing on the date of creation of any scenic or historical right-of-way or district that are on the Federal Primary System and subject to regulation under the provisions of Chapter 391 of the Texas Transportation Code, including all amendments (the Texas Act), or are subject to regulation under the Federal Highway Beautification Act, 23 U.S.C.A. Section 131, et seq., including all amendments (the Federal Act).

(b) Citizens of the sign code application area may petition the City Council of the City of Houston to designate any area or any public right-of-way within the sign code application area as a scenic or historical right-of-way or district.

(c) Any such petition must meet the following requirements to be considered by the City Council.

- (1)** Contain the signatures of property owners whose property fronts on either side of the right-of-way proposed for designation or who own property in the area proposed for designation as a district and who represent 20 percent of the total front footage along the right-of-way or 20 percent of the total area; and
- (2)** Contain the signatures of at least 1,000 citizens of the sign code application area, each of whom was above the age of 18 years old when signing the petition; and
- (3)** Indicate that the signatures thereon were collected within a 60-calendar-day period; and
- (4)** Indicate that the signatories thereon desire the area or right-of-way to be designated a scenic or historical right-of-way or district.

(d) Any such petition must be submitted to City Council within 90 calendar days of the date of the first signature thereon.

(e) Following the filing of any such petition with the City Secretary, the City Council shall, within 45 days of the date of filing, conduct a public hearing to consider the merits of the petition.

(f) The City Secretary shall give notice as to the filing of any such petition and the date, time and place of the City Council hearing by posting same, at least 14 days in advance of such hearing, at a place convenient to the public in the City Hall.

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Any interested person shall have the opportunity to participate in any hearing conducted under the provisions of this section and to present any relevant evidence and testimony.

(g) As a result of such hearing, City Council shall determine the following:

- (1)** Whether or not the petition complies with the requirements of this section; and
- (2)** Whether or not the proposed right-of-way or area has scenic or historical significance; and
- (3)** Whether or not the proposed right-of-way or area has scenic or historical significance sufficient to justify preservation; and
- (4)** Whether or not designation of the proposed right-of-way or area would best serve the health, safety, welfare and public convenience and necessity of the citizens of the sign code application area.

(h) Should a majority of the City Council decide that the proposed right-of-way or area meets all the criteria stated in Section 4610(g), the City Council shall designate the proposed area of right-of-way as a scenic or historical right-of-way or district. Any such designation shall for existing on-premise signs be effective six years after designation hereunder consistent with Section 4611(c), and shall for off-premise signs be effective immediately after designation hereunder consistent with Section 4612(e). The terms and provisions of Section 4611(c) and Section 4612(e) shall apply with full force and effect to existing signs within or along the area or right-of-way designated as a scenic or historical right-of-way or district hereunder following six years after designation, even though such signs were duly permitted and not subject to Section 4611(c) or Section 4612(e) prior to designation. In addition, no new off-premise signs and only on-premise signs conforming with Section 4611(c) shall be permitted in an area or on a right-of-way after designation hereunder as a scenic or historical right-of-way or district.

(i) Should a majority of the City Council decide that the proposed right-of-way or area does not meet the criteria stated in Section 4610(g), the proposed area or right-of-way shall not be designated as a scenic or historical right-of-way or district. No subsequent petition seeking designation of any portion of a right-of-way or area under this section which failed to meet the criteria of this section under a prior petition shall be considered by City Council until one year has elapsed from the date of the filing of the prior petition.

(j) This section shall not be construed to limit the authority of City Council consistent with the provisions of this section to designate other areas as scenic or historical rights-of-way or districts without a public petition.

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(k) Designation of a historic district under Article VI of Chapter 33 of the City Code, does not constitute a designation under this section.

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SECTION 4611--ON-PREMISE SIGNS

(a) On-premise Sign Provisions. The provisions of this section shall apply only to "on-premise signs," as that term is defined in Section 4603(a), within the sign code application area.

(b) On-Premise Sign Limitations.

- (1)** No business shall have more than a total of five on-premise signs, provided, however, that each business may select any combination of the signs described below in this subsection to reach that total:
 - a.** Each business shall place no more than one on-premise ground sign or projecting sign per frontage. However, if a business has more than 350 feet of frontage, two on-premise ground signs, projecting signs, or a combination of these signs that totals two, will be allowed along the frontage; provided, however, that the two signs shall be spaced a minimum of 350 feet apart as measured parallel to the frontage. The total number of signs from all of the foregoing sign classifications shall not exceed two in number for each business.
 - b.** Each business shall place no more than four on-premise roof signs, wall signs, or combination of roof and wall signs.
 - c.** Roof signs, designed to be architecturally compatible with the building. Wall signs shall not occupy more than 50 percent of the total wall surface. Wall signs shall not extend above the roofline of the building to which they are attached.
 - d.** On-premise projecting signs shall not extend above the uppermost portion of the building to which they are attached except as provided in Section 4609(l)(5).
 - e.** Each business shall place no more than three on-premise marquee signs.
- (2)** With the exception of on-premise signs lawfully permitted or erected prior to the effective date, all on-premise signs and sign structures shall be contained wholly within the premises upon which they are located and shall not extend onto the public right-of-way, provided that on-premise projecting signs may extend up to 10 feet outward from the building to which they are attached, as long as such extension is no closer than 2 feet behind the curb line.

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- (3) Spectacular signs shall be prohibited, except as provided in Section 4608(m).

(c) Residential Rights-of-way, Scenic and Historical Rights-of-way and Districts. All on-premise signs on residential rights-of-way and scenic and historical rights-of-way and districts shall conform in all respects to the requirements set forth in Section 4611(b) for general rights-of-way and shall be subject to the following additional restrictions:

- (1) Ground signs shall comply with the height and size provisions of Table 4609.
- (2) Spectacular signs shall be prohibited.
- (3) Electrical signs shall be limited to not more than 10 bulbs of 100 watts or less, shall be limited to 120 volts in the lighting circuit and may be illuminated only indirectly.

(d) Business Purpose Required. An on-premise sign must be erected in connection with a "business purpose," as that term is defined in this chapter; any sign not connected with a business purpose shall be considered an off-premise sign.

(e) Relocation of Certain On-premise Signs. Notwithstanding the provisions of Section 4605(e)(3), any on-premise sign that has a valid operating permit and that exceeds the height and size limitations contained in Section 4609 may be relocated on the same premises without having to conform with such height and size limitations, if the sign meets the following requirements and conditions:

- (1) The sign is required to be removed from its present location because of the acquisition of the property upon which the sign is located by the city, the state, or any political subdivision of the state through eminent domain or purchase; and
- (2) The sign is relocated at the height and size indicated on the sign's current permit and without any substantial alterations in the construction materials of the sign; and
- (3) The sign otherwise conforms with all other provisions of this chapter at the time of relocation.

(f) Special Employment Districts.

- (1) Notwithstanding any other provision or provisions of this code to the contrary, on-premise ground signs located in a special employment district shall comply with the provisions of this subsection.
- (2) A special employment district may not contain on the average more than two on-premise ground signs per acre.
- (3) An on-premise ground sign may be erected and maintained in a special employment district if each of the following requirements is met:
 - a. The sign only provides directions to or identifies sites or locations of facilities within the special employment district.
 - b. The sign identifies that the sign itself and the sites or locations are situated within the special employment district. Such identification may be by use of words or graphic representations such as logos, symbols or insignia. Graphic representations that are used on such signs shall not occupy more than 10 percent of the total area of a sign face.
 - c. The sign complies with all other provisions of this chapter relating to size, construction, safety and maintenance other than the number restriction provided in this subsection.
 - d. The City's Traffic Engineer finds that the system of on-premise ground signs within the special employment district will facilitate the movement of vehicular and pedestrian traffic in the public streets and sidewalks adjacent to the special employment district.
- (4) **Designation procedures.**
 - a. Any person may petition the City Council to designate an area of the City as a special employment district. The petition shall contain the following:
 1. The signatures of 90 percent of the property owners of the total area of the tracts within the proposed district.
 2. A verified statement by such property owners that the area to be included in the district has the characteristics

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contained in the definition of an area that may be designated as a special employment district.

3. A plat or map of the proposed district prepared by a registered surveyor or engineer showing the boundaries of the proposed special employment district.
 4. A plan for the removal and elimination of all existing on-premise ground signs that do not comply with the provisions of this chapter.
 5. A landscaping plan for the installation of trees, shrubs and plants in the right-of-way within the special employment district (reviewed by a landscape architect licensed by the State of Texas.)
- b. The City Council shall call a public hearing on the question of the designation of an area as a special employment district within 30 days of the filing of a petition in the Office of the City Secretary that complies with the provisions of Section 4611(f)(4)a.
- c. Any designation of a special employment district shall be conditioned on the continuing compliance of the property owners within the special employment district with the requirements that:
1. All existing on-premise ground signs not in conformance with the requirements of this chapter be removed; and
 2. That the trees, plants and shrubs are installed and maintained in the right-of-way in compliance with the landscaping plan.
- d. In the event that the property owners in the special employment district shall fail to comply with the requirements of the City Council to maintain the designation of the special employment district, the Sign Administrator shall notify the City Council of such facts in writing. Upon notice and hearing, the City Council shall revoke and cancel a special employment district designation, and the property owners shall bring all signs into compliance with the provisions of this code other than this subsection within a period of six months from the date of such revocation.

(g) Identifying Number Required. Each business premises containing one or more on-premise ground signs shall have an identifying number posted and maintained on at least one on-premise ground sign structure. For purposes of this subsection, the term "identifying number" shall mean the address number for that business premises assigned by the building official, or where no such has been assigned by the building official, any number, letter or number and letter combination that is distinct from any other number, letter or number and letter combination used on the same premises. All numbers that are to be posted and maintained on an on-premise ground sign shall be:

- (1) Permanently affixed to the outside of the sign;
- (2) Of a color that is in contrast to the background; and
- (3) At least 3 inches in height.

(h) Changeable Message and High Technology Signs. Save and except for signs erected pursuant to the provisions of Section 4620, the following provisions shall apply to all existing and new changeable message and high technology signs:

- (1) Blinking, rotating, moving, chasing, flashing, glaring, strobe, scintillating, or spot lights are prohibited.
- (2) Lights or colored elements creating a continuously moving, shimmering, or prismatic effect, or the use of rotating or moving parts in association with such lights or colored elements, are prohibited.
- (3) A changeable message sign may not change the message more often than every five minutes and must change the message within one second or less; a high technology sign may not change the message without a new permit.
- (4) Brightness limits shall be set at a maximum of 6500 nits between sunrise and sunset, and at a maximum of 1250 nits between sunset and sunrise, and each sign shall be fitted with a qualified light sensing device to automatically adjust the brightness in accordance with these standards.

(i) Additional On-Premise Sign Provisions. Beginning September 1, 2009, and save except for signs erected pursuant to the provisions of Section 4620, the following additional provisions shall apply to new on-premise signs for which an initial permit is requested after said date; provided, however, that in the event of a conflict between these provisions and other provisions of this chapter (except for Section 4620), the more stringent provisions shall control.

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- (1) **Definitions and references.** In this subsection, the following terms shall have the meanings herein ascribed to them, unless the context of their usage clearly indicates another meaning:
 - a. All references in this Code to the size and height limitations contained in Table 4609 of this Code shall be interpreted to refer to the new size and height limitations contained in Table 4611.
 - b. **BUSINESS** shall mean any entity that uses an on-premise sign.
 - c. **SCHOOL** shall mean a public or private elementary, secondary, or high school.
- (2) **Additional restrictions for ground signs.**
 - a. For any business to which the multi-tenant standards of Category B and Category C of Table 4611 of this Code could apply that instead applies for a permit to utilize a single business ground sign, the single business ground sign shall be permitted and constructed in accordance with the size and height limitations for the next smaller category of right-of-way; that is, a single business Category C sign shall be permitted and constructed to the Category B standards of Table 4611, and a single business Category B sign shall be permitted and constructed to the Category A standards of Table 4611. This provision shall not apply to any new ground sign that is more than 350 feet from another ground sign at the same location.
 - b. All permanent signs other than wall signs and marquee signs will be counted as ground signs, including flag and fence signs.
- (3) **Additional restrictions for roof signs.** Roof signs are prohibited.
- (4) **Additional restrictions for wall signs.**
 - a. The area of wall signs shall not exceed in the aggregate 25 percent of the area of the wall on which they are mounted or painted, or 1000 square feet, whichever is smaller.
 - b. Wall signs may be attached only to buildings devoted exclusively to business purposes; wall signs attached to buildings or other structures not used exclusively in the furtherance of the primary business purpose shall be treated

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as ground signs. For the purposes of this provision, wall signs on parking garages located on the premises of the business shall be considered for business purposes.

- c. No wall sign may extend above the supporting exterior wall unless mounted on a mansard or facade, and in any event no wall sign may extend more than ten feet above the roof line of the supporting wall.
- d. In the central business district the maximum height of a wall sign shall not exceed 42-1/2 feet.

(5) Additional restrictions for projecting signs.

- a. No projecting sign shall extend above the roof line of the supporting exterior wall.
- b. In the central business district the maximum height of a projecting sign shall not exceed 42-1/2 feet.

(6) Additional restrictions for changeable message signs.

- a. Only one changeable message sign shall be permitted per business.
- b. Save and except for a changeable message sign located at a school, no changeable message sign shall be located on a local street.
- c. Save and except for a changeable message sign located at a school, no changeable message sign located on or facing a collector street shall be permitted within 150 feet of the property line of a single family residence.
- d. For a changeable message sign located on or facing a collector street, that portion of the sign where the changeable message is located shall not exceed in height those standards for Category A signs contained in Table 4611.
- e. That portion of the face of a changeable message sign devoted to changing the message shall be limited in area to fifty percent of the area of the sign face allowable under Table 4611, not to exceed 100 square feet.

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- f. The height of a changeable message wall sign shall not exceed thirty-five feet or the roof line of the supporting exterior wall, whichever is shorter.
- g. An existing sign may only be converted into a changeable message sign in conformance with the standards for a new changeable message sign.

**TABLE 4611
ALLOWABLE ON-PREMISE GROUND SIGN HEIGHTS AND SIZES
BY SIGN TYPE AND CATEGORY OF RIGHT-OF-WAY**

SIGN TYPE	CATEGORY A		CATEGORY B		CATEGORY C		CATEGORY D	
	Height	Size	Height	Size	Height	Size	Height	Size
	(Ft.)	(SFt.)	(Ft.)	(SFt.)	(Ft.)	(SFt.)	(Ft.)	(SFt.)
SINGLE BUSINESS	14	100	20	150	42½	225	8	60
MULTI-TENANT 2 OR 3 BUSINESSES	19	200	26	300	42½	450	10	120
MULTI-TENANT 4 OR MORE BUSINESSES	24	300	31	450	42½	600	12	180
FLAG	20	—	35	—	50	—	—	—

CATEGORY A shall mean visible from and located on premises with frontage on scenic and historical rights-of-way and districts.

CATEGORY B shall mean visible from and located on premises with frontage on major thoroughfares including collector streets other than scenic and historical rights-of-way and districts.

CATEGORY C shall mean visible from and located on premises with frontage on freeways and highways other than scenic and historical rights-of-way and districts.

CATEGORY D shall mean visible from and located on premises with frontage on local streets.

SECTION 4612--OFF-PREMISE SIGNS

(a) Off-premise Sign Provisions. The provisions of this section shall apply only to "off-premise signs," as that term is defined in Section 4603(a), within the sign code application area.

(b) Prohibition of New Off-premise Signs.

- (1)** From and after the effective date, no new construction permits shall be issued for off-premise signs within the sign code application area. This prohibition shall apply to all classifications of signs, types of signs, and special function signs, and all other signs used as off-premise signs, including portable signs, with the exception that off-premise signs that advertise the sale or rental of real property or direct persons to the location of real property for sale or rental, which signs shall be limited to 40 square feet in area, shall continue to be permitted for a single three-year term.
- (2)** Electronic and off-premise high technology signs are prohibited. This prohibition shall include the construction, reconstruction, upgrading, or conversion of an existing off-premise sign to an electronic or off-premise high technology sign, such that no electronic or off-premise high technology signs are permitted.

(c) General Location.

- (1)** All off-premise signs shall be located within 800 feet of a commercial or industrial activity.
- (2)** No off-premise sign shall be located in a predominantly residential area.
- (3)** No off-premise sign shall be erected, constructed or established such that the face of the structure may be viewed from a scenic or historical right-of-way or district.
- (4)** All off-premise signs other than those located on the Interstate and Freeway Primary System shall be subject to the following spacing requirements from other off-premise signs on the same side of the public right-of-way (see Table 4612):
 - a.** No off-premise sign having a face area in excess of 300 square feet shall be located within 400 feet of another off-premise sign.

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- b. No off-premise sign having a face area of from 100 to 300 square feet shall be located within 200 feet of another off-premise sign.
 - c. No off-premise sign having a face area up to 100 feet shall be located within 100 feet of another off-premise sign.
- (5) The spacing provisions stated in this section relating to the location of off-premise signs shall not apply to the following signs:
 - a. Signs lawfully erected and lawfully existing on the effective date that are on the Federal Primary System and subject to regulation under the provisions of Chapter 391 of the Texas Transportation Code, including all amendments (the Texas Act), or are subject to regulation under the Federal Highway Beautification Act, 23 U.S.C.A. Section 131, et seq., including all amendments (the Federal Act). Location and spacing of signs subject to the Texas Act or the Federal Act shall be regulated by the City only to the extent required by and in accordance with the directives of the appropriate state or federal agencies regulating such signs. Signs governed by the Texas Act or the Federal Act with respect to location and spacing shall be subject to the remaining provisions of this chapter, unless specifically excluded therefrom by the Texas Act or the Federal Act or by the rules and regulations of the state and federal agencies implementing such acts.
 - b. Signs separated by buildings, natural surroundings or other obstructions in such a manner that only one sign located within the above space distances is visible from the highway or street at any one time.
 - c. Signs at street intersections that are located so that each is to be viewed primarily from a separate street; in no instance, however, shall any off-premise sign be located less than 25 feet from any other off-premise sign when located on street corner intersections.
- (6) Each double-faced back-to-back or V-type sign shall be considered a single off-premise sign for spacing purposes. The largest face on a double-faced, back-to-back or V-type sign will govern spacing requirements.
- (7) In computing the distance between off-premise signs, all measurements shall be made parallel to the edge of the street and on

the same side of the street. In measuring the distance from back-to-back and V-type signs, the measurements shall be made from the street end of the nearest sign on the back-to-back or V-type structure.

(d) Location on Property. All off-premise signs and sign structures shall be within the deeded front building line, or if no such line exists, within the property line, but in no event closer than 20 feet to the curb of any public street.

(e) Removal of Off-premise Signs from Scenic and Historical Rights-of-way and Districts. With the exception of off-premise signs lawfully erected and lawfully existing on the effective date that are on the Federal Primary System and subject to regulation under the provisions of Chapter 391 of the Texas Transportation Code, including all amendments, or are subject to regulation under the Federal Highway Beautification Act, 23 U.S.C.A. Section 131, et seq., including all amendments, all existing off-premise signs located on existing scenic and historical rights-of-way and districts shall be removed by the owner at the owner's expense six years after the date of designation of the scenic or historical area or district.

(f) Construction of Certain Off-premise Sign Structures. All off-premise sign structures constructed, established or erected after May 1, 1975, that are not located on the Interstate and Freeway Primary System shall be supported by not more than three steel columns or three columns of material that is of the strength equal to or stronger than steel, if the face area of the sign is over 300 square feet. If the face area of any such sign is 300 square feet or less, the structure shall be supported by not more than two steel columns or two columns of material that is of strength equal to or stronger than steel. This provision applies from May 1, 1975, to such structures resulting from the conversion of side-by-side or stacked structures with a combined face area of 700 square feet or less.

(g) Visibility Triangle. Within the area of a visibility triangle, no part of the face of an off-premise sign shall be lower than a height of 8 feet above the grade level of the nearest street.

(h) Abandonment of Off-premise Sign Structures. Any off-premise sign structure lawfully erected and maintained that has no copy, transcript, reproduction, model, likeness, image, advertisement or written material for a period of 120 consecutive days is hereby declared to be a violation of this section, and as such shall be restored to use or removed by the owner or permittee within 30 days after notice by the Sign Administrator of such violation. If the owner or permittee fails to restore the off-premise sign structure to use or remove the abandoned off-premise sign structure within the specified 30 days, the sign company that received a permit for the sign shall be deemed to have forfeited the removal bond required by Section 4606(e) and the Sign Administrator shall use the proceeds to remove the abandoned off-premise sign structure.

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(i) Off-premise Sign Lists. Each person engaging in the off-premise sign business shall file with the Sign Administrator a certified list of all off-premise sign structures owned by him as of January 1 of each year. This list shall be filed on or before January 1 of each year and shall describe the location, type, dimensions, facing direction and permit number of each off-premise sign structure. In describing the location of an off-premise sign, the owner shall give the street address of the sign location and the facing direction, or the owner shall first reference the sign structure to the street from which the sign is to be primarily viewed, then the side of such street, then the distance in feet to the nearest intersecting street on the same side of the primary street as the sign structure is located, then the direction the sign faces. For example: 303 X Street, west facing, or X Street, north line, 120 feet east of Y Street, west facing (X Street NL 120' E Y Street WF).

**TABLE 4612
SPACING OF OFF-PREMISE SIGNS**

Face Area of Sign	Distance to Other Signs in Feet		
	Face Area greater than 300 up to 900 sq. ft.	Face Area 100 - 300 sq. ft.	Face Area less than 100 sq. ft.
In excess of 300 sq. ft.	400	400	400
100 - 300 sq. ft.	400	200	200
Less than 100 sq. ft.	400	200	100
All signs on the Interstate and Freeway Primary System	500	500	500

SECTION 4613--IMPLEMENTATION IN AREA OF EXTRATERRITORIAL JURISDICTION

NOTE: *This section is readopted by reference to its former codification in Ordinance 93-554; however, it is not reprinted in this Code. This section establishes an implementation schedule for signs that were in the City's area of extraterritorial jurisdiction on May 31, 1985.*

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SECTION 4614--APPLICATION OF FIRE CODE AND CONSTRUCTION CODE

The various provisions of the Construction Code and of the City of Houston Fire Code shall, to the extent that they are incorporated by reference in this chapter, be applicable to signs located or constructed within the area of the City's extraterritorial jurisdiction established by Section 42.021 of the Local Government Code with the same force and effect as if they were located within the corporate limits of the City.

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SECTION 4615--PENAL PROVISIONS IN AREA OF EXTRATERRITORIAL JURISDICTION

Any penal provision of:

- (1) This chapter;
- (2) Any other provision of the Construction Code, to the extent that it relates in any manner to the location, maintenance or construction of signs and is incorporated by reference in this chapter; and
- (3) The City of Houston Fire Code, to the extent that the provisions thereof relate in any manner to the location, maintenance or construction of signs and are incorporated by reference in this chapter;

shall apply to offenses arising within the City of Houston's area of extraterritorial jurisdiction as established by Section 42.021 of the Local Government Code in the same manner as to offenses arising within the corporate limits of the City of Houston. The municipal courts of the City of Houston shall have jurisdiction over all criminal cases arising under the foregoing provisions within the City of Houston's area of extraterritorial jurisdiction as established by Section 42.021 of the Local Government Code in the same manner as for criminal cases arising under ordinances of the City of Houston within its corporate limits.

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SECTION 4616--MUNICIPAL BOARD ON SIGN CONTROL

(a) Definitions. The following definitions shall apply to this section:

ACT shall mean Chapter 221, Acts of the 69th Legislature of the State of Texas, Regular Session (1985), which has been codified in part as Chapter 216 of the Local Government Code.

AREA OF EXTRATERRITORIAL JURISDICTION shall mean the area of the City of Houston's extraterritorial jurisdiction as defined by Section 42.021 of the Local Government Code.

BOARD shall mean the Municipal Board on Sign Control of the City of Houston.

(b) Organization.

- (1)** Notwithstanding any other City of Houston ordinance to the contrary, members of the board may be persons who reside either within the corporate limits of the City of Houston or within the area of extraterritorial jurisdiction. Additionally, the member of the board who is an employee of the Texas Department of Transportation is not required to be a resident of the City of Houston or the area of extraterritorial jurisdiction.
- (2)** Three members of the board at a meeting shall constitute a quorum.
- (3)** Members of the board shall serve for a term of two years. The Mayor shall designate a member to be chairman of the board.

(c) Compensation. Each member of the board, with the exception of the member who is an employee of the Texas Department of Transportation, shall be compensated at the rate of \$15.00 per hour for each hour he attends a meeting at which a quorum is present. Fractions of an hour shall be prorated, to the nearest quarter hour, for purposes of computing a member's compensation.

(d) Duties. The duties of the board shall be those authorized by Article 1 of the Act.

(e) Procedures. The board shall adopt such rules and procedures as may be necessary or desirable for the conduct of its duties, consistent with the requirements of Article 1 of the Act. Appeals from decisions of the board shall be made according to the procedures provided in Article 1, Section 7 of the Act.

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(f) Former Provisions. To the extent that any provision of this chapter or any other City of Houston ordinance requires a sign to be relocated, reconstructed or removed by a certain date or within a specified period of time, such provision shall no longer be effective, and the sign shall instead be amortized under Section 4616(g) or otherwise compensated for under Section 4616(h), provided, however, that no sign is required to be amortized or otherwise compensated for if it was erected in violation of any ordinance or other law applicable at the time of its erection.

(g) Amortization Policy. Except as otherwise provided pursuant to Section 4616(h), it is hereby declared to be the policy of the City of Houston to compensate all owners of signs required to be relocated, reconstructed or removed by this chapter or any other City of Houston ordinance by means of amortization as provided by Article 1, Section 6 of the Act, and not by the alternative methods of payment under Article 1, Sections 6(h)(3) and 6(j). Each sign shall be amortized for the minimum amount of time allowed under the Act, with due allowance under Article 1, Section 6(h)(1), as applicable, for any period a sign has already been under amortization. It shall be a primary duty of the board, in cooperation with the Sign Administrator, to ascertain and provide for the amortization of all signs within the City of Houston and the area of extraterritorial jurisdiction that are required to be relocated, reconstructed or removed under any provision of this chapter or any other City of Houston ordinance.

(h) Alternative Methods of Compensation. The amortization policy stated in Section 4616(g) shall not be construed to apply to the relocation, reconstruction or removal of any sign or signs for which the City Council may by ordinance elect compensation by any other manner provided by law.

(i) Other. This section shall not be construed to apply to off-premise signs located in the Interstate and Freeway Primary System to the extent that any provision of Chapter 391 of the Texas Transportation Code or the Federal Highway Beautification Act, 23 U.S.C.A. §131, et seq., prohibits compensation in the manner prescribed herein.

SECTION 4617--SPECIAL PERMIT

(a) A special permit shall be issued for the alteration or relocation of an existing off-premise sign situated within the Sign Code application area under the following limited circumstances:

- (1)** The sign to be altered or relocated must be situated, both before and after its alteration or relocation, along the federal primary system and be subject to control under Subchapter B of Chapter 391 of the Texas Transportation Code.
- (2)** The alteration or relocation of the sign must be required for a publicly funded transportation system improvement project being undertaken by the State of Texas or a political subdivision of the State of Texas. The decision to offer the sign owner the option of seeking a special permit to alter or relocate a sign pursuant to this section shall be at the discretion of the undertaking unit of government. In determining whether to make such an offer, the governmental unit shall take into consideration the probable cost of compensating the sign owner, in conjunction with the probable costs of compensating other sign owners affected by the project, as it relates to the economics and timeliness of the completion of the project and its effect on the public interest.
- (3)** The sign to be altered or relocated must be a sign that has been lawfully constructed and maintained in accordance with all applicable state and local regulatory and permit requirements, and it must have been constructed and maintained with the permission of the person or persons owning the tract or parcel of land upon which it is situated.
- (4)** The sign must be situated after its alteration or relocation according to the following priority:
 - a.** First, upon the remainder of the same tract or parcel of land upon which it was situated before its alteration or relocation, if any; or
 - b.** Second, if there is no remainder or if the remainder is not of sufficient size or suitable configuration for the alteration or relocation of the sign, then upon the property abutting the highway at the original sign location or upon the property abutting the insufficient remainder, if available; or
 - c.** Third, upon another tract or parcel of land owned by the same person or persons as the tract from which it was relocated; or

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- d. Fourth, any location as described in Section 4617(a)(1).
- (5) If the alteration or relocation is under Section 4617(a)(4)a or (4)c, then the person or persons who own the tract or parcel of land upon which the sign was situated must enter into a written agreement with the unit of government undertaking the transportation system improvement project waiving and releasing any claim for damages against the unit of government for the temporary or permanent taking of the real property that is based in any manner upon the relocation or alteration of the sign to accommodate the transportation system improvement project. This provision shall not be construed to preclude the payment of compensation to the real property owner for the acquisition of the real property or any other interest therein, but the use of the tract as an off-premise sign site shall not be considered in the determination of the compensation paid therefor.
 - (6) The sign owner must enter into a written agreement with the unit of government undertaking the transportation system improvement waiving and releasing any claim for damages against the unit of government for any temporary or permanent taking of the sign in consideration of the payment by the unit of government of a mutually agreed specified amount of money calculated to cover the cost to the sign owner of the alteration or relocation of the sign.
 - (7) The sign to be relocated or altered must, after its relocation or alteration, be in full compliance with all applicable regulations promulgated by the State of Texas pursuant to Chapter 391 of the Texas Transportation Code and all applicable requirements of this code. To the extent of any difference between the requirements of this code and the state regulations, the more restrictive requirement shall apply, except that the height of a sign after its relocation or alteration shall be governed by the less restrictive requirement.
 - (8) Notwithstanding Section 4617(a)(7), signs to be altered or relocated under this section must meet the following requirements as to location and spacing following their alteration or relocation:
 - a. For a sign that is to be altered or relocated on the remainder of the same tract on which it was previously located, or on the abutting property, under Section 4617(a)(4)a or (4)b, and is to be placed in the same relative position as to line of sight and not to exceed 1500 feet to either side of the perpendicular placement as the original sign was situated in relation to the highway, the sign must: (i) be within 800 feet of one or more

commercial or industrial activities and must not be located within 500 feet of another off-premise sign on the same side of the highway, if the highway is on the interstate and freeway primary system, or within 300 feet of another off-premise sign on the same side of the highway, if the highway is on the nonfreeway primary system outside of the city limits, or within 100 feet of another off-premise sign on the same side of the highway, if the highway is on the nonfreeway primary system within the city limits; or **(ii)** comply with the then current criteria for location and spacing set by the state regulations, whichever is more restrictive.

- b.** For a sign that is to be altered or relocated under Section 4617(a)(4)a or (4)b but is not to be placed within 1500 feet to either side of the perpendicular placement as the original sign was situated in relation to the highway, or a sign that is to be altered or relocated under Section 4617(a)(4)c or (4)d, the sign must: **(i)** be within 800 feet of two or more commercial or industrial activities and must not be located closer than 1500 feet to another off-premise sign on the same side of the highway, regardless of whether the highway is classified as an interstate, freeway or nonfreeway primary highway and is within or without the city limits; or **(ii)** comply with the then current criteria for location and spacing set by the state regulations, whichever is more restrictive.
- (9)** The sign may not be altered within or relocated to a scenic or historical right-of-way or district or on any part of the federal primary system where the Texas Transportation Commission has by minute order requested that scenic easements be acquired or to any scenic or historical right-of-way or district created by the State of Texas or any political subdivision of the State of Texas.
- (10)** A special permit issued under this section shall be effective for a period of ten years from the date of issuance and shall be nonrenewable. The owner of the sign and the owner or owners of the tract or parcel of land upon which it is altered or upon which it is to be relocated must agree in consideration of the issuance of a special permit under this section for the continued use of the sign in lieu of its immediate monetarily compensated removal to accommodate the transportation system improvement project that they will remove the sign by the expiration of ten years from the date of issuance of the special permit, during which time period they may continue to enjoy the use of the sign as altered or relocated under the special permit.

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The agreement shall be accompanied by a right of entry without notice upon the tract or parcel of land upon which the sign is altered or relocated from the owner thereof, providing for the removal of the sign by the city if not removed by the expiration of the aforesaid ten-year period, which right of entry agreement shall be in a form approved by the City Attorney. The agreement shall additionally be secured by a bond for each sign to cover the city's costs of removal of the sign in the event that the owner fails to remove the sign by the expiration of ten years from the date of issuance of the special permit. Such bond shall be in a form approved by the City Attorney and may be provided in one of the following forms:

- a.** A surety bond issued by the sign owner as principal and a corporate surety authorized to transact business in Texas in the sum of \$10,000; or
- b.** A secured deposit bond in the form of an assignment of an account with a financial institution insured by the Federal Deposit Insurance Corporation to the city. The account shall have a principal deposit of not less than \$5,000. Under the terms of the assignment, the financial institution must agree not to make any payment from or otherwise divert or dispose of the funds in the account, except that it shall agree to disburse all or any portion of the funds in the account only as directed by City Council resolution. In the event that the sign owner fails to remove the sign secured by the account by the expiration of ten years from the date of issuance of the special permit, the City Council shall cause the funds or such portion thereof as may be required to accomplish the work to be utilized for the removal of the sign and shall authorize the balance, if any, to be restored to the sign owner. In the event that the sign owner removes the sign secured by the account by the expiration of ten years from the date of issuance of the special permit, the City Council shall cause the existing balance of the account to be restored to the sign owner; or
- c.** A nonrefundable cash bond in the sum of \$2,000. Cash bonds shall be collectively accounted for within the Building Inspection Fund created under Section 4605(i) and the proceeds shall be used to remove the sign in the event that any holder of a special permit secured by a cash bond fails to remove the sign by the expiration of ten years from the date of issuance of the special permit. Special permit holders who tender a cash bond and who timely remove their sign shall be entitled to the sign structure for salvage purposes; however

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they shall not be entitled to the refund of any portion of the cash bond or any interest thereon.

- (11)** Notwithstanding Section 4605(e)(3), a sign lawfully erected under a special permit that is blown down or otherwise destroyed by any casualty may be replaced for the remainder of the ten-year period during which the special permit is in effect, provided that it is rebuilt at the same location, height, size and dimensions, and with the same materials and configuration as originally altered or relocated pursuant to the special permit.
- (12)** Each application for a special permit shall be referred by the Sign Administrator to the Texas Department of Transportation together with the complete plans and specifications for the alteration or relocation of the sign and any other data that may be required by the said department to determine compliance with its applicable regulations. No special permit shall be granted unless an authorized representative of the Texas Department of Transportation certifies in writing that the proposed alteration or relocation of the sign will comply with all applicable state laws, rules and regulations.
- (13)** Each application for a special permit must be signed by the owner of the sign and the owner of the property upon which it is to be altered or relocated, who shall each certify that all applicable provisions of this section have been complied with, and be accompanied by written consent to the alteration or relocation of the sign, signed by the duly authorized representative of the unit of government undertaking the transportation system causing the need for the sign to be altered or relocated.

(b) Fees for special permits shall be as otherwise provided in Section 117 of this Code and the city fee schedule. The operating permit for a sign altered or relocated pursuant to a special permit issued under this section shall transfer to the sign as altered or relocated. During the period that the special permit is in effect, operating permits for signs altered or relocated pursuant to this section shall be extended for three-year periods in accordance with Section 4605(d), provided that, notwithstanding any language to the contrary contained in any operating permit extension issued for a sign altered or relocated under a special permit, no operating permit extension shall be construed to authorize the continued existence, operation or maintenance of any such sign for any period in excess of ten years following the date of issuance of the special permit. The provisions of this section shall not be deemed to authorize any practice otherwise prohibited under this chapter, except to the limited extent and under the limited circumstances enumerated in this section. Nothing contained in this section shall be construed to abrogate the right of a sign owner or underlying property owner to refuse to accept the proposal by the

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governmental unit for the alteration or relocation of a sign under this section and to choose instead to seek monetary compensation.

SECTION 4618--RENEWAL OF OPERATING PERMITS

NOTE: *This section is readopted by reference to its former codification in Ordinance 93-554; however, it is not reprinted herein. The section established a staggered issuance schedule for sign operating permits*

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SECTION 4619--ABATEMENT OF OFF-PREMISE SIGNS

(a) Authority. To the extent of any conflict, the provisions of this section will take precedence over any other provision contained in this chapter.

(b) Declared Nonconformity. All off-premise signs within the sign code application area are hereby declared to be nonconforming and unauthorized. The subject signs shall be removed following amortization as provided in Article 1, Section 6(k) of Chapter 221, Acts of the 69th Legislature, Regular Session, 1985.

(c) Exclusion. The provisions of this section shall not be construed to require the removal of a structure that is used exclusively and at all times (except when there is no copy at all on the structure) for messages that do not constitute advertising, including, but not limited to, political messages, religious or church related messages, public service, governmental and ideological messages and other copy of a nature that is not commercial advertising because such a structure is not a "sign" (either on-premise or off-premise), as that term is defined, for purposes of this chapter and is not subject to regulation under this chapter. A structure that is subject to regulation under this chapter may contain non-commercial messages in lieu of or in addition to any other messages, but the structure shall not be exempt from regulation as a sign under this chapter unless used exclusively and at all times as provided above for non-commercial messages.

(d) Signs Protected by State or Federal Law. The provisions of this section shall not be construed to require the removal by amortization of any off-premise sign if its removal by amortization, without other compensation, would contravene state or federal law. Any determination under this section shall be made on the basis of the law in effect at the time of the proposed removal of the off-premise sign, and this subsection shall not prohibit placing any off-premise sign under amortization. To the extent that funds are available for that purpose the city reserves the right to purchase any off-premise sign that is protected by law from removal by amortization.

(e) Previously Nonconforming Signs. The provisions of this section shall not be construed to excuse or delay the removal of any off-premise sign that is nonconforming under any other provision of this chapter; and it has been the intent of the City Council in adopting this section that each and every off-premise sign within the sign code application area be removed by amortization as soon as permitted by state and federal law.

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SECTION 4620--SPECIAL DISPLAY SIGNS AT CERTAIN FACILITIES

(a) Definitions. The following definitions shall apply to this section:

CONVENTION DISTRICT shall mean the area contained within the following metes and bounds description:

BEGINNING at the intersection of the center line of the right-of-way of Congress Avenue with the center line of the right-of-way of Hamilton Street,

Thence in a southwesterly direction along the center line of the right-of-way of Hamilton Street to its intersection with the center line of the right-of-way of Preston Avenue,

Thence in a southeasterly direction along the center line of the right-of-way of Preston Avenue to its intersection with the center line of the right-of-way of Bastrop Street,

Thence in a southwesterly direction along the center line of the right-of-way of Bastrop Street to its intersection with the center line of the right-of-way of Texas Avenue,

Thence in a northwesterly direction along the center line of the right-of-way of Texas Avenue to its intersection with the center line of the right-of-way of Chartres Street,

Thence in a southwesterly direction along the center line of the right-of-way of Chartres Street to its intersection with the center line of the right-of-way of Clay Avenue,

Thence in a northwesterly direction along the center line of the right-of-way of Clay Avenue to its intersection with the center line of the right-of-way of Jackson Street,

Thence in a southwesterly direction along the center line of the right-of-way of Jackson Street to its intersection with the center line of the right-of-way of Leeland Avenue,

Thence in a northwesterly direction along the center line of the right-of-way of Leeland Avenue to its intersection with the center line of the right-of-way of La Branch Street,

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Thence in a northeasterly direction along the center line of the right-of-way of La Branch Street to its intersection with the center line of the right-of-way line of Polk Avenue,

Thence in a southeasterly direction along the center line of the right-of-way line of Polk Street to its intersection with the center line of the right-of-way of Crawford Street,

Thence in a northeasterly direction along the center line of the right-of-way of Crawford Street to its intersection with the center line of the right-of-way of Dallas Street,

Thence in a northwesterly direction along the center line of the right-of-way of Dallas Street to its intersection with the center line of the right-of-way of La Branch Street,

THENCE, proceeding in a northeasterly direction along the center line of the right-of-way line of La Branch Street to the intersection with the centerline of the right-of-way line of Texas Avenue,

THENCE, proceeding in a southeasterly direction along the center line of the right-of-way line of Texas Avenue to its intersection with the centerline of the right-of-way line of Crawford Street,

THENCE, proceeding in a northeasterly direction along the center line of the right-of-way line of Crawford Avenue to its intersection with the centerline of the right-of-way of Congress Avenue,

THENCE, proceeding in a southeasterly direction along the centerline of the right-of-way of Congress Avenue to the POINT OF BEGINNING, same being the northeast corner of the CONVENTION DISTRICT, including, without limitation, all air space above and all subsurface below said property.

COUNTY COMPLEX shall mean a sports, convention, and entertainment complex of more than 300 acres of land owned by a county, with three or more buildings housing three or more venues that collectively attract more than 2,000,000 visitors per year.

COUNTY COMPLEX DISPLAY SIGN shall mean an on-premise sign at a county complex that displays automatically changing information, changes more often than once every five minutes, and advises viewers as to the name, time, sponsor or other information related to sports or other entertainment or convention events to be held at such county complex, provided that:

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- (1) No change in illumination produces an apparent motion of the visual image, including, but not limited to, illusion of moving objects, moving patterns or bands of light, expanding or contracting shapes, rotation, scrolling, or any similar effect of animation;
- (2) No change of message or picture occurs more often than once every 3 seconds for those portions of a sign that convey date, time, and temperature information brief weather reports, or stock market quotations, more often than every 10 seconds for those portions of a sign that contain traffic or directional information, or more than once every 20 seconds for all other information on the sign;
- (3) No portion of the sign, as measured within any circular area of two feet in diameter, has a luminance greater than 200 foot-lamberts when all elements of the sign are fully and steadily illuminated; and
- (4) The authorized display sign shall not exceed 700 square feet in size and may be constructed as a stand-alone sign or as a contiguous component of a larger sign.

EAST SIDE SPORTS AND CONVENTION COMPLEX DISTRICT shall mean the area contained within the following metes and bounds description:

Tract 1:

BEGINNING at the intersection of the center line of the right-of-way of Congress Avenue with the center line of the right-of-way of Hamilton Street,

Thence in a southwesterly direction along the center line of the right-of-way of Hamilton Street to its intersection with the center line of the right-of-way of Preston Avenue,

Thence in a southeasterly direction along the center line of the right-of-way of Preston Avenue to its intersection with the center line of the right-of-way of Bastrop Street,

Thence in a southwesterly direction along the center line of the right-of-way of Bastrop Street to its intersection with the center line of the right-of-way of Texas Avenue,

Thence in a northwesterly direction along the center line of the right-of-way of Texas Avenue to its intersection with the center line of the right-of-way of Hamilton Street,

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Thence in a southwesterly direction along the center line of the right-of-way of Hamilton Street to its intersection with the center line of the right-of-way of Capitol Avenue,

Thence in a southeasterly direction along the center line of the right-of-way of Capitol Avenue to its intersection with the center line of the right-of-way of Chartres Street,

Thence in a southwesterly direction along the center line of the right-of-way of Chartres Street to its intersection with the center line of the right-of-way of Clay Avenue,

Thence in a northwesterly direction along the center line of the right-of-way of Clay Avenue to its intersection with the center line of the right-of-way of Jackson Street,

Thence in a southwesterly direction along the center line of the right-of-way of Jackson Street to its intersection with the center line of the right-of-way of Leeland Avenue,

Thence in a northwesterly direction along the center line of the right-of-way of Leeland Avenue to its intersection with the center line of the right-of-way of Labranch Street,

Thence in a northeasterly direction along the center line of the right-of-way of Labranch Street to its intersection with the center line of the right-of-way line of Polk Avenue,

Thence in a southeasterly direction along the center line of the right-of-way line of Polk Avenue to its intersection with the center line of the right-of-way of Crawford Street,

Thence in a northeasterly direction along the center line of the right-of-way of Crawford Street to its intersection with the center line of the right-of-way of Lamar Avenue,

Thence in a southeasterly direction along the center line of the right-of-way of Lamar Avenue to its intersection with the center line of the right-of-way of Avenida de las Americas,

Thence in a northeasterly direction along the center line of the right-of-way and then a projection of the center line of the right-of-way of Avenida de las Americas to its intersection with the center line of the right-of-way of Capitol Avenue,

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Thence in a southeasterly direction along the center line of the right-of-way of Capitol Avenue to its intersection with the west right-of-way line of Hamilton Street,

Thence in a northeasterly direction along the west right-of-way line of Hamilton Street to its intersection with the center line of the right-of-way of Texas Avenue,

Thence in a northwesterly direction along the center line of the right-of-way of Texas Avenue to its intersection with the center line of the right-of-way of Crawford Street,

Thence in a northeasterly direction along the center line of the right-of-way of Crawford Street to its intersection with the center line of the right-of-way of Congress Avenue,

Thence in a southeasterly direction along the center line of the right-of-way of Congress Avenue to its intersection with the center line of the right-of-way of Hamilton Street to the Point of Beginning, including, without limitation, all air space above and all subsurface below said property and excluding Lots 1 through 5A of Block 164, of the City of Houston on the South Side of Buffalo Bayou.

Tract 2:

All of the land included within the area bounded by Avenida de las Americas on the East, Lamar Avenue on the South, LaBranch Street on the West and McKinney Avenue on the North, all in the City of Houston, Harris County, Texas, and recorded by plat on September 11, 2009, under Film Code Number 631237, of the Map Records of Harris County, Texas.

Tract 3:

BEGINNING at the intersection of the center line of the right-of-way line of Texas Avenue with the center line of the right-of-way line of Dowling Street;

THENCE, proceeding in a southwesterly direction along the center line of the right-of-way line of Dowling Street to the intersection with the centerline of the right-of-way line of Walker Avenue;

THENCE, proceeding in a northwesterly direction along the center line of the right-of-way line of Walker Avenue to the intersection with a projection of the southwest corner of a Lot described as Tract A (G/O*001199000012) ADJ Abandoned ROW SSBB;

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THENCE, proceeding in a northeasterly direction to the southwest corner of said Tract A (G/O*001199000012) ADJ Abandoned ROW SSBB;

THENCE, proceeding in a northeasterly direction along the west property line of said Tract A (G/O*001199000012) ADJ Abandoned ROW SSBB, to the northwest corner of said Tract A (G/O*001199000012) ADJ Abandoned ROW SSBB;

THENCE, proceeding in a northeasterly direction to the southwest corner of a Lot described as Tract R10 & ADJ Abandoned ROW SSBB;

THENCE, proceeding in a northeasterly direction along the west property line of said Tract R10 & ADJ Abandoned ROW SSBB to the northwest corner of said Tract R10 & ADJ Abandoned ROW SSBB;

THENCE, a projection in a northeasterly direction to the center line of the right-of-way line of Texas Avenue, same being the south boundary line of the EAST SIDE SPORTS AND CONVENTION COMPLEX DISTRICT;

THENCE, proceeding in a southeasterly direction along the center line of the right-of-way line of Texas Avenue to the intersection with the center line of the right-of-way line of Dowling Street, the POINT OF BEGINNING, including, without limitation, all air space above and all subsurface below said property.

PARK DISPLAY SIGN shall mean a banner(s) that:

- (1) Is affixed to an inflatable device that is operated solely as a non-profit fund-raising activity;
- (2) Is located in a public park within the boundaries of the East Side Sports and Convention Complex District, held on a tether and moved up and down from a stationary location;
- (3) Bears the name of the sponsor(s) of the fund-raising activity associated with the operation of the inflatable device;
- (4) Is displayed during the period beginning on November 1 of a calendar year and ending on March 1 of the following calendar year;
- (5) Is no larger than 15 feet tall and 190 feet in circumference; and

- (6) Is not an electronic sign, a spectacular sign, a changeable message sign or a high technology sign.

RETAIL AND ENTERTAINMENT DISTRICT shall mean that area located within and supported by a downtown tax increment reinvestment zone and contained within the following metes and bounds description:

BEGINNING at the intersection of the center line of the right-of-way of Main Street with the center line of the right-of-way of Dallas Avenue,

Thence in a southeasterly direction along the center line of the right-of-way of Dallas Avenue to its intersection with the center line of the right of way of Caroline Street,

Thence in a southwesterly direction along the center line of the right-of-way of Caroline Street to its intersection with the center line of the right of way of Polk Avenue,

Thence in a northwesterly direction along the center line of the right-of-way of Polk Avenue to its intersection with the center line of the right of way of Main Street,

Thence in a northeasterly direction along the center line of the right-of-way of Main Street to its intersection with the center line of the right of way of Dallas Street to the Point of Beginning, including, without limitation, all air space above and all subsurface below said property.

SPECIAL FACILITY shall mean an enclosed theater, sports, or convention/trade show venue, restaurant/entertainment venue, retail venue, or any combination thereof (but shall not mean hotel) that is situated within the boundaries of the Theater District, the Retail and Entertainment District, or the East Side Sports and Convention Complex District upon land contained within the boundaries of any one or more of the districts as defined herein, including but not limited to land owned by a nonprofit organization, a governmental entity, or a for-profit entity located within and supported by a downtown tax increment reinvestment zone, provided that within the Theater District or the East Side Sports and Convention Complex District, the venue:

- (1) If a theater, seats at least 750 persons and is primarily used for live performances of a performing arts nature;
- (2) If a sports venue, seats at least 750 persons and is primarily used for professional sporting events;

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- (3) If a restaurant/entertainment venue, includes one or more restaurants as well as one or more public amusement or educational features, such as carnival-type rides, zoological or horticultural exhibits or museum-type exhibits;
- (4) If a restaurant/entertainment venue includes one or more ballrooms, special functions rooms, or banquet rooms that have a total combined seating capacity of 750 or more persons and are regularly made available for rent to the public with food catering for meetings, receptions, and other events; and
- (5) If a convention center complex, has over 1,500,000 gross square feet of space and is primarily used for convention/trade show functions.

A facility with a movable roof that closes and a facility that is not fully enclosed by its roof shall be considered to be enclosed but parks and plazas that are not otherwise fully covered and enclosed shall not be.

SPECIAL FACILITY DISPLAY SIGN shall mean an on-premise sign that displays automatically changing information at a special facility that changes more often than once every five minutes and that displays only information regarding a performance or event at the special facility and associated sponsor information for the performance or event, provided that:

- (1) No change of displayed information may occur more often than once every 8 seconds. This requirement shall not preclude a display in the nature of a photograph or still video, provided that the display remains static between changes and changes at intervals of not less than 8 seconds;
- (2) The sign display remains static between changes and contains no blinking, rotating, moving, chasing, flashing, scrolling, glaring, strobe, scintillating, or spot lights or similar devices;
- (3) Any display of sponsor information shall be limited to identification of the sponsor by name or logo and shall be a part of a message text providing information about the sponsored performance or event; sponsorship information shall be integral to performance information and may not be displayed as a separate message. For purposes of the foregoing provision, a "logo" may be the sponsor's registered trademark or another symbol customarily used by the sponsor in its general advertising;

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- (4) Except as otherwise provided herein, the sign shall be a ground sign, a marquee sign, or a wall sign:
 - a. Within the East Side Sports and Convention Complex District, the size of the sign if a wall sign shall not exceed 1000 square feet, and the size of the sign if a ground or marquee sign shall not exceed 250 square feet at convention center facility venues or 400 square feet at other types of venues;
 - b. Within the Theater District, the size of the sign if a ground or marquee sign shall not exceed 250 square feet, and the size of the sign if a wall sign shall not exceed 500 square feet;
 - c. Within the Retail and Entertainment District, there shall be only wall signs, no more than two, located on adjacent walls, not to exceed 250 square feet in size per sign;
- (5) The height of the sign shall not exceed the following, as applicable, when measured from the highest point on the sign to the grade level of the ambient ground surface:
 - a. In the Theater District, wall signs may be up to 50 feet high;
 - b. In the East Side Sports and Convention Center Complex District, wall signs may be up to 50 feet high for convention center venues and up to 42½ feet high for other types of venues;
 - c. In the Theater District, ground or marquee signs may be up to 24 feet high;
 - d. In the East Side Sports and Convention Center Complex District, ground or marquee signs may be up to 24 feet high for convention center venues and up to 42½ feet high for other venues;
 - e. In the Retail and Entertainment District, the maximum height above grade for the two special facility display signs shall not exceed 42½ feet;
- (6) No portion of the sign, as measured within any circular area of two feet in diameter, shall have a luminance greater than 6000

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nits when all elements of the sign are fully and steadily illuminated between the hours of sunrise and sundown, nor greater than 3500 nits when all elements of the sign are fully and steadily illuminated between the hours of sundown and sunrise; in addition to the foregoing brightness limitations, the sign shall be equipped with automatic brightness compensation features to adjust the brightness to compensate for sun angle and ambient light conditions and ensure that the sign is visible but not unnecessarily radiant;

- (7) No special facility display sign shall be placed so as to be visible from an elevation five feet above any travel lane of any freeway. This requirement shall not preclude visibility of the sign's cabinet or the sign's face, provided that the sign is at least 2000 feet distant or is at an oblique angle, in either case so that it is not practicably viewable and readable; and
- (8) In addition to providing information about its own performances and events, a live performing arts theater special facility's sign may also be utilized to provide information about live performing arts performances and events at another live performing arts theater situated in the same structure or contiguous complex of structures, including live performances and events at secondary theaters that may have fewer than 750 seats.

THEATER DISTRICT shall mean the area contained within the following metes and bounds description:

BEGINNING at a point at the intersection of the center line of the right-of-way of Interstate Highway 45 with the center line of the right-of-way of Franklin Avenue,

Thence in an easterly direction along the center line of the right-of-way of Franklin Avenue to its intersection with the center line of the southbound ramp to Interstate Highway 10, a continuation of Smith Street,

Thence in a southwesterly direction along the center line of the right-of-way of Smith Street to its intersection with the center line of the right-of-way of Prairie Avenue,

Thence in a southeasterly direction along the center line of the right-of-way of Prairie Avenue to its intersection with the center line of the right-of-way of Louisiana Street,

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Thence in a southwesterly direction along the center line of the right-of-way of Louisiana Street to its intersection with the center line of the right-of-way of Texas Avenue,

Thence in a southeasterly direction along the center line of the right-of-way of Texas Avenue to its intersection with the center line of the right-of-way of Milam Street,

Thence in a southwesterly direction along the center line of the right-of-way of Milam Street to its intersection with the center line of the right-of-way of Capitol Avenue,

Thence in a northwesterly direction along the center line of the right-of-way of Capitol Avenue to its intersection with the center line of the right-of-way of Smith Street,

Thence in a southwesterly direction along the center line of the right-of-way of Smith Street to its intersection with the center line of the right-of-way of Walker Avenue,

Thence in a northwesterly direction along the center line and then a projection of the center line of Walker Avenue to its intersection with the center line of the right-of-way of Interstate Highway 45,

Thence in a northeasterly direction along the center line of the right-of-way of Interstate 45 to its intersection with the center line of the right-of-way of Franklin Avenue, the point of Beginning, including, without limitation, all air space above and all subsurface below said property.

(b) Notwithstanding any provision of this code governing spectacular signs, signs on lighter- or heavier-than-air craft, or the use of motion picture machines to the contrary, county complex display signs, park display signs and special facility display signs shall be authorized in the manner defined in this section. The number of county complex display signs authorized under this section shall not exceed three per county complex. The number of park display signs authorized under this section shall be limited to one per park. The number of special facility display signs authorized under this section in the Retail and Entertainment District shall be limited to two, which shall be wall signs located on adjacent walls. Otherwise, the number of special facility display signs authorized under this section shall not exceed two per special facility, except that a convention center complex with over 1,500,000 gross square feet of space may have a maximum of eight signs to include not more than seven ground or marquee signs and one wall sign.

With respect to special facilities, the provisions of the foregoing paragraph are not intended to allow more than the number of signs authorized therein to be

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placed for or upon any structure or attached and contiguous complex of structures even if the structure or structures contain two or more venues that constitute special facilities.

Exception: Where the special facility venues do not share the same primary lobby or have contiguous lobbies and the primary public entrances to the primary lobbies of the venues are on different streets or different block faces of the same street, then each special facility venue may have the number of special facility display signs authorized in this subsection.

(c) The Sign Administrator shall have the right to revoke the permit for any county complex display sign, park display sign or special facility display sign that is erected or utilized in any manner that is inconsistent with this section or any other applicable provision of this code. Any such revocation shall be subject to the sign owner's rights under this code, including appeals to the General Appeals Board and City Council, as provided in Section 4604. Upon revocation of the permit for any sign governed by this section and conclusion of any appeals that may be timely initiated as authorized in Section 4604, or upon expiration of the permit if not timely renewed, the owner of the sign shall cause the sign to be removed from the county complex, public park or special facility within 30 days. If the owner fails to timely remove the sign, the Sign Administrator shall have the right to enter upon the property upon which the sign is situated and remove the sign at the permit holder's sole risk and expense. The Sign Administrator and his contractors or agents shall exercise reasonable care, consistent with standard construction practices, in removing the sign, but shall not be responsible for any consequential damage to the sign or the special facility, public park or county complex that is caused by the removal process. Each permit for a special facility sign, park display sign or county complex display sign shall be secured by a right of entry agreement executed by the owner of the property (if not the City or a contractor of the City or political subdivisions of the State of Texas such as counties) and any lessees and other persons having a right of possession, control, or use of the property upon which the sign will be situated. If the sign and the property upon which it is situated are not also under the ownership, operation, and control of the City or a contractor of the City or political subdivisions of the State of Texas such as counties, then the permit shall additionally be secured by a removal bond executed by the sign operator as principal and a corporate surety authorized to transact business in Texas. The amount of the bond shall be equal to one and one-half times the cost of removing the sign as estimated by the Sign Administrator and the penal condition of the bond shall be that the surety will cause the sign to be removed or reimburse the City for the expense thereof, at the City's option, if the sign is not timely removed by the principal as required by this subsection. All bonds and agreements required under this subsection shall be in a form approved by the City Attorney. Where the same person or persons hold permits for two or more signs, the agreement and bond may be combined.

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(d) Save and except for the special facility display signs located in the Retail and Entertainment District, which shall be governed by the other provisions of this Section 4620, and save and except for signage on the office tower located in the Retail and Entertainment District, the following provisions shall apply to signs located in the Retail and Entertainment District:

- (1) The limitations of Section 4611(c)(3) shall not apply, provided:
 - a. For wall signs, direct lighting shall not be used to illuminate more than fifty-percent (50%) of the total surface area of any given wall, and the total square footage of wall signs illuminated by direct lighting shall not in the aggregate exceed thirty-three percent (33%) of the total outer wall surface in the district, excluding the outer wall surface of the office tower;
 - b. No direct lighting shall be used for ground or marquee signs in excess of 200 square feet in size.
- (2) The size of any wall sign shall not exceed 1000 square feet, the size of any ground or marquee sign shall not exceed 400 square feet, and the size any of projecting sign shall not exceed 200 square feet.
- (3) The maximum height above grade for wall signs and projecting signs for each respective business shall not exceed the maximum ceiling height of that portion of the building used for that business and approved for retail use under the City of Houston Building Code.

(e) Special provisions for the Convention District.

- (1) For the purposes of this subsection, a hotel shall be defined as any building or buildings in which the public may, for a consideration, obtain sleeping accommodations; provided, however, that the term shall not include properties that are used primarily for residential purposes.
- (2) For hotels located in the **Convention District**, two of the on-premise wall signs allowed under Section 4611 of this Code may be located at an elevation in excess of 42-1/2 feet above grade. Each such sign shall not exceed 2,000 square feet in total size. Such signs shall be used solely to display the hotel name and registered trademark and for no other purpose and may be lighted, but only to the extent necessary to illuminate the sign to discern the hotel name or logo, without constituting a distraction to traveling motorists. The two wall signs authorized by this subsection shall not be spectacular signs, special facility display signs, changeable message signs, high

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technology signs, or other blinking, rotating, moving, chasing, flashing, or scintillating signs. At such time as a structure subject to this subsection is no longer used exclusively as a hotel, the wall signs authorized under this subsection shall be removed.

APPENDIX A

SCENIC OR HISTORICAL RIGHTS-OF- WAY OR DISTRICTS

Chapter 46, Appendix A

SCENIC OR HISTORICAL RIGHTS-OF-WAY OR DISTRICTS shall mean the following areas, each of which is specified with its date of creation:

- (1) T.C. Jester-from 11th Street to 43rd Street, designated by Ordinance No. 80-351, effective May 8, 1980.
- (2) Memorial Drive-from Houston Avenue to the limits of Hunters Creek Village, thence through Bunker Hill Village to the west boundary of the city limits of the City of Houston, designated by Ordinance No.80-351, effective May 8, 1980 (Dairy Ashford Road).
- (3) Woodway-from Memorial Drive to Voss Road, designated by Ordinance No. 80-351, effective May 8, 1980.
- (4) Allen Parkway-from Bagby to Kirby Drive to San Felipe, designated by Ordinance No. 80-351, effective May 8, 1980.
- (5) North Braeswood-from Hillcroft to Frankway, from Frankway to Braeswood to N. MacGregor to Almeda, designated by Ordinance No. 80-351, effective May 8, 1980.
- (6) South Braeswood-from Gessner to Main, designated by Ordinance No. 80-351, effective May 8, 1980.
- (7) North MacGregor-from Almeda to Calhoun, designated by Ordinance No. 80-351, effective May 8, 1980.
- (8) South MacGregor-from Almeda to Calhoun, designated by Ordinance No. 80-351, effective May 8, 1980.
- (9) South Freeway State Highway 288 (the South Freeway)-from Highway 59 to Loop 610, designated by Ordinance No. 80-351, effective May 8, 1980.
- (10) Post Oak Scenic District as designated by City Council Motion No. 83-3403, effective December 26, 1983.
- (11) Hardy Toll Road from the North Loop East (Loop 610) to Halls Bayou, as designated by City of Houston Ordinance No. 85-710, effective May 15, 1985.
- (12) Richmond/Weslayan Scenic District, being the following area:

Beginning at a point at the intersection of Lake Street and West Alabama and going west along the south side of West Alabama to Loop 610 West, then south along Loop 610 to the intersection of Highway 59, then following the north right-of-way line of 59 east to the

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east right-of-way line of Wesleyan, then south along the east right-of-way line of Wesleyan to the Southern Pacific railroad tracks to the west right-of-way line of Buffalo Speedway, then north along the west right-of-way line of Buffalo Speedway to the north right-of-way line of Highway 59, then east along the north right-of-way line of Highway 59 to the west right-of-way line of Kirby, north on Kirby to Lory Park, west on Lory Park to Lake Street and then North on Lake Street back up to the intersection of West Alabama and Lake Street as designated by Ordinance No. 85-1079, effective June 26, 1985.

- (13) Heights Boulevard Scenic District, being the following area:

A corridor 450 feet in width, extending 225 feet on both sides of the center line of Heights Boulevard; said corridor being bounded on the south by the intersection of Heights Boulevard and the northerly right-of-way line of Interstate Highway 10, and being bounded on the north by the intersection of Heights Boulevard and the southerly right-of-way line of 20th Street, as designated by Ordinance No. 86-284, effective February 25, 1986.

- (14) Tanglewood Area Scenic District, being the following area:

Beginning at the intersection of the center line of Woodway Drive and the center line of Buffalo Bayou;

Thence, in a westerly direction, along the center line meanders of Buffalo Bayou to a point 300 feet west of the west right-of-way of Voss Road;

Thence, in a southerly direction along a line 300 feet west of and parallel to the west right-of-way of Voss Road to a point 300 feet south of the south right-of-way of Westheimer Road;

Thence, in an easterly direction along a line 300 feet south of and parallel to the south right-of-way line of Westheimer Road to a point of intersection in the center line of Chimney Rock Road;

Thence, in a northerly direction along the center line of Chimney Rock Road to the intersection with the center line of Woodway Drive;

Thence, in an easterly direction along the center line of Woodway Drive to the point of beginning.

Save and except any area that may be within the corporate limits of any other city.

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Save and except any area that may be within an existing scenic or historic district, as designated by Ordinance No. 86-693, effective May 20, 1986.

- (15) South Freeway II Scenic District, being the following area:

Commencing at the intersection of the south right-of-way line of Interstate Highway 610 with the east right-of-way line of SH 288, thence easterly along the south right-of-way of Interstate Highway 610 to a point for corner, said point being 660 feet east of the east right-of-way line of SH 288 and the point of beginning;

Thence, in a generally southerly direction 660 feet east of and parallel to the east right-of-way line of SH 288 to the center line of Clear Creek, also being the Harris County Line;

Thence, in a westerly direction along the meanders of the center line of Clear Creek, also being the Harris County Line, to a point for corner; said point being 660 feet west of the west right-of-way line of SH 288;

Thence, in a generally northerly direction 660 feet west of and parallel to the west right-of-way line of SH 288 to a point for corner, said point being the intersection with the south right-of-way line of Interstate Highway 610;

Thence, in an easterly direction along the south right-of-way line of Interstate Highway 610, crossing SH 288 and continuing easterly to the point of beginning;

Save and except any area that may be within the corporate limits or extraterritorial jurisdiction of any other city;

Save and except any area that may be within an existing scenic or historic district, as designated by Ordinance No. 86-1282, effective July 29, 1986.

- (16) Richmond Avenue Scenic District, being the following area:

Commencing at the intersection of the east right-of-way line of Dairy-Ashford Road and the north right-of-way of Richmond Avenue, thence northerly 300 feet to a point for corner, said point also being the point of beginning;

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Thence, easterly along an imaginary line 300 feet north of and parallel to the north right-of-way line of Richmond Avenue to the intersection with the westerly right-of-way line of Wilcrest Drive;

Thence, continuing easterly across the right-of-way line of Wilcrest Drive to the intersection with the easterly right-of-way line of Wilcrest Drive and point for corner;

Thence, southerly along the easterly right-of-way line of Wilcrest Drive, crossing the right-of-way of Richmond Avenue and continuing southerly 300 feet to a point for corner;

Thence, westerly along an imaginary line 300 feet south of and parallel to the southerly right-of-way line of Richmond Avenue to the intersection with the easterly right-of-way line of Dairy-Ashford Road and point for corner;

Thence, northerly along the easterly right-of-way line of Dairy-Ashford Road, crossing the right-of-way of Richmond Avenue and continuing northerly 300 feet to the point of beginning;

Save and except any area that may be within the corporate limits or extraterritorial jurisdiction of any other city;

Save and except any area that may be within an existing scenic or historic district, as designated by Ordinance No. 86-1283, effective July 29, 1986.

(17) Dairy-Ashford Scenic District, being the following area:

Commencing at the south right-of-way line of Interstate Highway 10 and the east right-of-way line of Dairy-Ashford Road, thence, easterly along the south right-of-way line of Interstate Highway 10 a distance of 300 feet to a point for corner and the point of beginning;

Thence, in a southerly direction along an imaginary line 300 feet east of and parallel to the east right-of-way line of Dairy-Ashford Road to the intersection with the north right-of-way line of Alief-Clodine Road and point for corner;

Thence, westerly along the north right-of-way line of Alief-Clodine Road, crossing the right-of-way of Dairy-Ashford Road and continuing westerly 300 feet to a point for corner;

Thence, northerly along an imaginary line 300 feet west of and parallel to the westerly right-of-way line of Dairy-Ashford Road to the

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intersection with the south right-of-way line of Interstate Highway 10 and point for corner;

Thence, easterly along the south right-of-way line of Interstate Highway 10, crossing the right-of-way of Dairy-Ashford Road and continuing east a distance of 300 feet to the point of beginning;

Save and except any area that may be within the corporate limits or extraterritorial jurisdiction of any other city;

Save and except any area that may be within an existing scenic or historic district, as designated by Ordinance No. 86-1283, effective July 29, 1986.

- (18) Lindale Park Area Scenic District, being the following area:

Beginning at the intersection of the easterly right-of-way line of the North Freeway (Interstate Highway 45) and the northerly right-of-way line of Cavalcade Street;

Thence, northerly along the easterly right-of-way line of the North Freeway (Interstate Highway 45) to a point for curve to the right;

Thence, continuing along a curve to the right to the intersection with the southerly right-of-way line of the North Loop (Interstate Highway 610);

Thence, easterly along the southerly right-of-way line of the North Loop (Interstate Highway 610) to a point for corner, said point being 125 feet east of the east right-of-way line of Robertson Street;

Thence, southerly along an imaginary line 125 feet east of and parallel to the easterly right-of-way line of Robertson Street to the intersection with an imaginary line 400 feet south of and parallel to the southerly right-of-way line of Cavalcade Street and point for corner;

Thence, westerly along said imaginary line 400 feet south of and parallel to the southerly right-of-way line of Cavalcade Street to the intersection with the easterly right-of-way line of Fulton Street;

Thence, continuing westerly, crossing Fulton Street along the westerly projection of the previously described imaginary line to the intersection with the easterly right-of-way line of the North Freeway (Interstate Highway 45) and point for corner;

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Thence, northerly along the easterly right-of-way line of the North Freeway (Interstate Highway 45) to the intersection with the northerly right-of-way line of Cavalcade Street and point of beginning;

Save and except any area that may be within the corporate limits of any other city;

Save and except any area that may be within an existing scenic or historic district, as designated by Ordinance No. 86-1715, effective September 30, 1986.

- (19) Beltway 8 Scenic District, being all that real property situated within 660 feet as measured in any direction from any point situated upon the right-of-way, whether acquired or proposed, for the Beltway 8 system, as described on the following maps of the Texas Department of Transportation (formerly the Texas Department of Highways and Public Transportation - SDHPT), Harris County Engineering Department (HCED) and the Texas Turnpike Authority (TTA), to wit:

1. SDHPT Account Maps No. 8012-1-73, Part 1;
2. SDHPT Account Maps No. 8012-1-73, Part 2;
3. SDHPT Account Maps No. 8012-1-70;
4. SDHPT Account Maps No. 8012-1-63;
5. SDHPT Account Maps No. 8012-1-68, Part 1;
6. SDHPT Account Maps No. 8012-1-68, Part 2;
7. SDHPT Account Maps No. 8012-1-72, Part 1;
8. SDHPT Account Maps No. 8012-1-72, Part 2;
9. SDHPT Account Maps No. 8012-1-71;
10. SDHPT Account Maps No. 8012-1-69;
11. SDHPT Account Maps No. 8012-1-76;
12. SDHPT Account Maps No. 8012-1-64;
13. SDHPT Account Maps No. 8012-1-67;
14. SDHPT Account Maps No. 8012-1-65, Part 1;
15. SDHPT Account Maps No. 8012-1-65, Part 2;
16. SDHPT Account Maps No. 8012-1-65, Part 3;
17. SDHPT Account Maps No. 8012-1-74;
18. SDHPT Account Maps No. 8012-1-75;
19. HCED Right-of-Way Maps Series No. 35390; and
20. TTA Right-of-Way Maps File No. 5017-017.

Microfilm negatives of the foregoing maps are on file in the Office of the City Secretary for copying and inspection and are incorporated herein by reference.

Save and except any portion that is not within the corporate limits of the City of Houston or the area of its extraterritorial jurisdiction.

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Save and except any portion that is within an existing scenic or historic district, as designated by Ordinance No. 86-2193, effective December 16, 1986.

- (20) F.M. 1093 Scenic District, being the following area:

Commencing at the intersection of the center line of F.M. 1093 and State Highway 6, thence easterly along the center line of F.M. 1093 to a point for corner, said point being 660 feet east of the center line of State Highway 6;

Thence in a generally southerly direction, perpendicular to the center line of F.M. 1093 to the POINT OF BEGINNING, said point being 660 feet south of the south right-of-way line of F.M. 1093;

Thence in a generally westerly direction 660 feet south of and parallel to the south right-of-way line of F.M. 1093 to a point for curve, said point being 660 feet south of the south right-of-way line of F.M. 1093;

Thence along a curve to the left being 660 feet south of and parallel to the south right-of-way line of F.M. 1093 to a point for tangency, said point being the intersection with the easterly projection of a line 660 feet south of and parallel to the southerly right-of-way line of F.M. 1093;

Thence in a generally southwesterly direction 660 feet south of and parallel to the south right-of-way line of F.M. 1093 to a point for curve; said point being 660 feet south of the south right-of-way line of F.M. 1093;

Thence along a curve to the right being 660 feet south of and parallel to the south right-of-way line of F.M. 1093 to a point for tangency, said point being the intersection with the easterly projection of a line 660 feet south of and parallel to the southerly right-of-way line of F.M. 1093;

Thence in a generally westerly direction 660 feet south of and parallel to the south right-of-way line of F.M. 1093 to a point for corner, said point being on Houston's five-mile extra territorial jurisdiction line as established in Ordinance No. 72-901, finally approved August 16, 1972;

Thence in a generally northerly direction along Houston's five mile extra territorial jurisdiction line to a point for corner, said point being 660 feet north of the north right-of-way line of F.M. 1093;

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Thence in a generally easterly direction parallel to the north right-of-way line of F.M. 1093 to a point for curve, said point being 660 feet north of the north right-of-way line of F.M. 1093;

Thence along a curve to the left being 660 feet north of and parallel to the north right-of-way line of F.M. 1093 to a point for tangency, said point being the intersection with the westerly projection of a line 660 feet north of and parallel to the northerly right-of-way line of F.M. 1093;

Thence in a generally northeasterly direction 660 feet north of and parallel to the north right-of-way line of F.M. 1093 to a point for curve, said point being 660 feet north of the north right-of-way line of F.M. 1093;

Thence along a curve to the right being 660 feet north of and parallel to the north right-of-way line of F.M. 1093 to a point for tangency, said point being the intersection with the westerly projection of a line 660 feet north of and parallel to the northerly right-of-way line of F.M. 1093;

Thence in a generally easterly direction 660 feet north of and parallel to F.M. 1093 to a point for corner, said point being 660 feet east of the center line of State Highway 6;

Thence in a generally southerly direction to the POINT OF BEGINNING, said point being 660 feet south of the south right-of-way line of F.M. 1093;

Save and Except any area that may be within the corporate limits or extra territorial jurisdiction of any other city;

Save and Except any area that may be within an existing scenic or historic district, as designated by Ordinance No. 90-1092, effective September 12, 1990. The operation of the said scenic district does not extend to any on-premise sign that is situated within that portion of the City's area of extra territorial jurisdiction that lies in Harris County, Texas, as provided in the said ordinance.

- (21) Gateway U.S. 59/Midtown Scenic District, being the following:

Beginning at a point at the intersection of Loop 610 and the north right-of-way line of U.S. Highway 59;

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Then east along the north right-of-way line of U.S. Highway 59 to its intersection with the east right-of-way line of Wesleyan;

Then south along the east right-of-way line of Wesleyan to its intersection with the Southern Pacific railroad tracks;

Then east along the Southern Pacific railroad tracks to its intersection with the west right-of-way line of Buffalo Speedway;

Then north along the west right-of-way line of Buffalo Speedway to its intersection with the north right-of-way line of U.S. Highway 59;

Then east along the north right-of-way line of U.S. Highway 59 to its intersection with the west right-of-way line of Kirby Drive;

Then north along the west right-of-way line of Kirby Drive to its intersection with Norfolk;

Then west along the south right-of-way line of Norfolk to its intersection with the west right-of-way line of Lake Street;

Then north along the west right-of-way line of Lake Street to its intersection with the south right-of-way line of West Alabama;

Then east along the south right-of-way line of West Alabama to its intersection with the east right-of-way line of Montrose;

Then north along the east right-of-way line of Montrose to its intersection with the south right-of-way line of Westheimer;

Then east along the south right-of-way line of Westheimer to its intersection with the west right-of-way line of Brazos Street;

Then north along the west right-of-way line of Brazos Street to its intersection with the south right-of-way line of Tuam Avenue;

Then west along the south right-of-way line of Tuam to its intersection with the west right-of-way line of Bagby Street;

Then north along the west right-of-way line of Bagby to its intersection with the south right-of-way line of McGowen;

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Then west along the south right-of-way line of McGowen Avenue to its intersection with the southwest right-of-way line of Bailey Street;

Then north along the southwest right-of-way line of Bailey Street to its intersection with the north right-of-way line of West Webster;

Then east along the north right-of-way line of West Webster to its intersection with the north right-of-way line of Webster;

Then west along the north right-of-way line of Webster to its intersection with the south right-of-way line of West Gray;

Then east along the south right-of-way line of West Gray to its intersection with the west right-of-way line of Baldwin Street;

Then north along the west right-of-way line of Baldwin Street to its intersection with the south right-of-way line of Arthur Street;

Then west along the south right-of-way line of Arthur to its intersection with the north right-of-way line of Cleveland;

Then east along the north right-of-way line of Cleveland to its intersection with the south right-of-way line of Interstate Highway 45;

Then east along the south right-of-way line of Interstate Highway 45 to its intersection with the east right-of-way line of Smith Street;

Then south along the east right-of-way line of Smith Street to its intersection with the north right-of-way line of Gray;

Then east along the north right-of-way line of Gray to its intersection with the west right-of-way line of State Highway 288/U.S. 59;

Then south along the west right-of-way line of State Highway 288 to its intersection with the south right-of-way line of MacGregor Way;

Then westerly along the south right-of-way line of MacGregor Way to Hermann Drive;

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Then westerly along the south right-of-way line of Hermann Drive to its intersection with the east right-of-way line of Montrose;

Then north along the east right-of-way line of Montrose to its intersection with the south right-of-way line of Bissonnet;

Then west along the south right-of-way line of Bissonnet to its intersection with the east right-of-way line of Kirby Drive;

Then westerly following the boundary lines between the cities of West University Place and Bellaire and Houston to the east right-of-way line of Loop 610;

Then north along the east right-of-way line of Loop 610 to its intersection with the north right-of-way line of U.S. Highway 59, the point of beginning.

Save and except any portion that is within an existing scenic or historic district; created by Ordinance No. 2000-948, effective November 1, 2000.

(22) Downtown Scenic District, being the following:

Beginning at the intersection of the centerline of the right-of-way of Hutchins Street with the centerline of the right-of-way of Webster Avenue;

Thence in a northwesterly direction with the centerline of the right-of-way of Webster Avenue to the centerline of the right-of-way of U.S. Highway 59;

Thence in a northeasterly direction with the centerline of the right-of-way of U.S. Highway 59 to the centerline of the right-of-way of Gray Avenue;

Thence in a northwesterly direction with the centerline of the right-of-way of Gray Avenue to the centerline of the right-of-way of Baldwin Street;

Thence in a northeasterly direction with the centerline of the right-of-way of Baldwin Street to the centerline of the right-of-way of Pierce Avenue;

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Thence in a northwesterly direction with the centerline of the right-of-way of Pierce Avenue to the extended centerline of the right-of-way of Buckner Street;

Thence in a northerly direction with the extended centerline of Buckner Street to the centerline of the right-of-way of Cleveland Street;

Thence in an easterly direction with the centerline of the right-of-way of Cleveland Street to the centerline of the right-of-way of Arthur Street;

Thence in a northerly direction with the centerline of the right-of-way of Arthur Street to the centerline of the right-of-way of West Dallas Street;

Thence in an easterly direction with the centerline of the right-of-way of West Dallas Street to the centerline of the right-of-way of Crosby Street;

Thence in a northerly direction with the centerline of the right-of-way of Crosby Street to the centerline of the right-of-way of Allen Parkway;

Thence in an easterly direction with the centerline of the right-of-way of Allen Parkway to the centerline of the right-of-way of Sabine Street;

Thence in a northerly direction with the centerline of the right-of-way of Sabine Street to the centerline of the right-of-way of Memorial Drive;

Thence in an easterly direction with the centerline of the right-of-way of Memorial Drive to the centerline of the right-of-way of Houston Avenue;

Thence in a northerly direction with the centerline of the right-of-way of Houston Avenue to the centerline of the right-of-way of Washington Avenue;

Thence in an easterly direction with the centerline of the right-of-way of Washington Avenue to the centerline of the right-of-way of Elder Street;

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Thence in a northeasterly direction with the centerline and extended centerline of the right-of-way of Elder Street to the centerline of the right-of-way of Dart Street;

Thence in a westerly direction with the centerline of the right-of-way of Dart Street to the centerline of the right-of-way of Beachton Street;

Thence in a northerly direction with the centerline of the right-of-way of Beachton Street to the centerline of the right-of-way of Bingham Street;

Thence in a westerly direction with the centerline of the right-of-way of Bingham Street to the centerline of the right-of-way of Holly Street;

Thence in a northerly direction with the centerline of the right-of-way of Holly Street to the centerline of the right-of-way of the Southern Pacific Railroad;

Thence in an easterly direction with the centerline of the right-of-way of the Southern Pacific Railroad to the centerline of the right-of-way of McKee Street;

Thence in a southerly direction with the centerline of the right-of-way of McKee Street to the centerline of the right-of-way of Lyons Avenue;

Thence in an easterly direction with the centerline of the right-of-way of Lyons Avenue to the centerline of the right-of-way of Jensen Drive;

Thence in a southerly direction with the centerline of the right-of-way of Jensen Drive to the centerline of the right-of-way of Cline Street;

Thence in a westerly direction with the centerline of the right-of-way of Cline Street to the centerline of the right-of-way of the Houston Belt and Terminal Railroad;

Thence in a southerly direction with the centerline of the right-of-way of the Houston Belt and Terminal Railroad to the centerline of the right-of-way of Hutchins Street;

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Thence in a southwesterly direction with the centerline of the right-of-way of Hutchins Street to the centerline of the right-of-way of Preston Avenue;

Thence in a southeasterly direction with the centerline of the right-of-way of Preston Avenue to the centerline of the right-of-way of Bastrop Street;

Thence in a southwesterly direction with the centerline of the right-of-way of Bastrop Street to the centerline of the right-of-way of Rusk Avenue;

Thence in a northwesterly direction with centerline of the right-of-way of Rusk Avenue to the centerline of the right-of-way of Hutchins Street;

Thence in a southwesterly direction with the centerline of the right-of-way of Hutchins Street to the point of beginning at the centerline of the right-of-way of Webster Avenue.

Save and except any portion that is within an existing scenic or historic district; created by Ordinance No. 2002-238, effective April 9, 2002. Notwithstanding any other provision of this Code to the contrary, the creation and existence of the Downtown Scenic District shall not preclude placement and maintenance of the special facility display signs that are authorized in Section 4620 of this Code.

- (23) Any other areas designated under the provisions of Section 4610.