

AN ORDINANCE

AN ORDINANCE OF THE HARRIS COUNTY BOARD OF COMMISSIONERS TO AMEND THE HARRIS COUNTY CODE OF ORDINANCES, APPENDIX A - ZONING ORDINANCE, ARTICLES II, IV & V; and CHAPTER 6 - TAXATION, LICENSES & BUSINESS REGULATIONS, ARTICLE IV; TO REPEAL CONFLICTING LAWS, ORDINANCES AND RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HARRIS COUNTY, GEORGIA, AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF THE SAME AS FOLLOWS:

SECTION 1. AMENDMENTS

A. Appendix A - Zoning Ordinance, Article II - Definitions, is hereby amended by deleting in their entirety:

- Sign, off-premises
- Sign, on-premises
- Sign, standard
- Signs, variable message advertising devices

B. Appendix A - Zoning Ordinance, Article IV - Zoning District Objectives, Uses & Regulations; Section 2 - Permitted Uses in Zoning Districts, items 134 (Signs - Off Premises) and 135 (Signs - On Premises), are hereby amended by deleting in its entirety and substituting in lieu thereof, the following:

	Use	Special Use Regulation Article and Section Number Applicable to Each Use	Off-street Parking Space Requirements for Each Use	Zoning District in Which Use is Permitted
134	Signs - Off Premises	Article V, Section 2	None	depends on usage
135	Signs - On Premises	Article V, Section 2	None	depends on usage

C. Appendix A - Zoning Ordinance, Article IV - Zoning District Objectives, Uses & Regulations; Section 3 - Zoning District Regulations, subsection 3.1 - A/O Apartment/Office, item F(3) is hereby deleted in its entirety.

D. Appendix A - Zoning Ordinance, Article V - Supplementary District Regulations; Section 2 - Off-Premises Signs, is hereby amended by deleting in its entirety and substituting in lieu thereof, the following:

Section 2. Signs

2.1 General Provisions

This article shall hereafter be known and cited as the Harris County Sign Ordinance.

2.2 Findings

- 2.2.1 The county finds that signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. In the absence of regulation, however, the number of signs tends to proliferate, with property owners desiring an increasing number and size of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its premises.
- 2.2.2 The county finds that the regulation of the size, height, number and spacing of signs is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the county, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of advertising for the benefit of all the county's citizens.
- 2.2.3 The county finds that there is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such type signage as street signs which enable the traveling public to know where they are located and to find where they are going. As such, with the exception of signs identifying government buildings, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public. The county commission finds that public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from downed power lines and from street excavations. Even where signs serve a propriety purpose, such as identifying markings on utility poles, those signs are marked primarily for the purpose of benefitting the public generally through identification of locations where there may be temporary losses of power.
- 2.2.4 The county finds that some signage has a single targeted function and that identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of location addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Subdivision signs at the entrances to subdivisions favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate subdivision entrances for the purpose of either visitation or responding to emergency calls. While such signage is referenced based upon the function it serves within the context of this ordinance, the bulk of the provisions of this chapter are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.

2.3 Intent and Purpose

2.3.1 The intent of this section is to provide for the regulation of signs, which are erected on and visible from the road system of Harris County, Georgia.

2.3.2 The purposes of this section are:

- a. To protect the rights of individuals and businesses to convey their messages through signs;
- b. To encourage the effective use of signs as a means of communication;
- c. To promote economic development;
- d. To improve traffic and pedestrian safety as it may be affected by distracting signs;
- e. To regulate signs by zoning district, size, height, location on a lot, number, methods of construction, maintenance, and illumination;
- f. To prevent the destruction of the natural beauty and environment of the county and to maintain and enhance the aesthetic environment of the county;
- g. To protect the public health, safety and general welfare;
- h. To restrict the continued existence of abandoned or nonconforming signs unless in compliance with the terms of this section and to eliminate, over time, all nonconforming signs; and
- i. To ensure the fair and consistent enforcement of sign standards.

2.4. Definitions. Words and phrases used in this section shall have the meanings set forth in this section. Words and phrases not defined in this section, but defined in the zoning ordinance of Harris County, shall be given the meanings set forth in such ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

“A” frame sign: A detached moveable sign which has two (2) display areas, hinged at the top and an interior angle not to exceed sixty (60) degrees. It shall be located in front of and in connection with a nonresidential location.

Abandoned sign: Any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt, and for which no person accepts maintenance responsibility.

Animated sign: Any sign, or part of a sign, that uses any movement or change of lighting or color to depict action or create a special effect or scene. Changeable copy signs meeting the standards of this section are excluded from the definition of animated signs.

Audible sign: Any sign which emits a sound, which is audible, or emits a signal, which can be converted into audible sounds, whether by radio or other means.

Banner: A sign other than a flag with or without characters, letters, illustrations or ornamentation applied to cloth, paper, fabric, vinyl or canvas that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners. See also feather banners.

Beacon: Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source; also, any light with one (1) or more beams that rotate or move.

Billboard: A freestanding sign that exceeds the sign area limitations established by this section.

Building sign: Any sign attached to any part of a building in contrast to a freestanding sign. The following are included in this definition:

- (1) *Awning/canopy sign:* Any sign that is a part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area.
- (2) *Flat roof sign:* A sign located on the roof of a building if there is no space between the sign and the roof.
- (3) *Marquee sign:* Any sign attached flat against the marquee or permanent sidewalk canopy of a building and not extending above the top of the marquee or canopy.
- (4) *Mansard:* An inclined decorative roof-like projection that is attached to an exterior building facade.
- (5) *Parapet:* The extension of a building facade above the line of the structural roof.
- (6) *Projecting sign:* A sign that is suspended or projected from the wall, eave, or soffit of the building.
- (7) *Under-Canopy sign:* A display attached to the underside of a marquee or canopy.
- (8) *Wall sign:* A sign mounted parallel to and on the exterior surface of a building.
- (9) *Window sign:* A sign that is placed inside a window or upon the window panes or glass, either inside or outside the building, and is visible from the exterior of the structure.

Changeable copy sign: A sign which allows words, characters, letters, figures, design characteristics, symbols, logos, numbers or illustrations to be changed without altering the sign. The following are included in this definition:

- (1) *Automatic Changeable Copy Sign*: A sign on which copy is changed automatically on a lamp bank or through mechanical means, e.g. electrical or electronic units. Such changes may only occur one (1) time every sixty (60) seconds and do not otherwise scroll, blink, roll, rotate or otherwise change.
- (2) *Manual Changeable Copy Sign*: A sign on which copy is changed manually in the field, e.g. reader boards with changeable letters.

Code Enforcement Officer: The term code enforcement officer shall mean and shall be either the Director of Community Development or the Harris County Code Enforcement Officer.

Dilapidated signs: A sign that is in such condition as to create a hazard, nuisance or to be unsafe or fail to comply with any provision of the building or electrical codes of the county.

Double-faced sign: A sign structure with two sign faces that are parallel (back-to-back) or that form an angle to one another.

Feather banner: A banner mounted vertically on a pole and designed in such a manner to flutter as a result of wind or a fan

Festoons: Strings of ribbons, tinsel, small flags, pennants, streamers, pinwheels, or other devices or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind.

Flag: Any fabric or bunting containing colors, patterns, or symbols used as a symbol of a government or other entity or organization.

Flashing sign: A sign, the illumination of which is not kept constant in intensity at all times when in use and which exhibits marked changes in lighting effects.

Freestanding sign: A sign permanently attached to the ground and that is wholly independent of any building or other structure. The term “freestanding sign” includes but is not limited to the following:

- (1) *Ground sign*: a freestanding sign in which the entire bottom of the sign face or structure is in contact with the ground, providing a solid and continuous background for the sign face from the ground to the top of the sign, also referred to as a “monument sign”.
- (2) *Pole sign*: a sign that is mounted on one or two freestanding poles, column(s), or similar support.

Illuminated sign, external: A sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure. Such source cannot be a device that changes color, flashes or alternates.

Illuminated sign, internal: A sign that is illuminated by an artificial light source from within the sign structure over any or all of its sign face. Such source cannot be a device that changes color, flashes, or alternates.

Incidental sign: A small sign, emblem, or decal no larger than one square foot. Such signs are normally located on doors, windows, and gas pumps, and are generally not readily visible or legible from public rights-of-way.

Inflatable signs: A sign that is intended to be expanded by air or other gas for its proper display or support.

Lot: A parcel of land that is of sufficient size to meet minimum zoning requirements for lot area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning standards and recorded in the deed records of Harris County as a single parcel.

Marquee: Any permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building.

Monument sign: See *freestanding sign*.

Moving sign: A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through movement of parts.

Multi-tenant: One (1) or more buildings, located on a single premises or development, containing two (2) or more separate and distinct individual establishments, which occupy separate portions of the building(s) and which are physically separated from each other by walls.

Non-conforming sign: Any sign that is legal at the time of erection that does not conform to the requirements of this amendment.

Obscene signs: Any sign meeting the standards of obscenity as defined by O.C.G.A § 16-12-80(b).

Off-premises sign: Any outdoor sign, notice or advertising devise used to advertise, announce, or promote a business, professional, commercial or industrial enterprise or undertaking which is located and which is operated at a site other than the premises upon which the sign is located.

Permanent sign: Any sign which, when installed, is intended for permanent use. A permanent freestanding sign shall be of a type and construction as not to be easily or readily removed from the lot on which it has been erected. Permanent sign excludes signs that were manufactured or designed to be movable or temporary but were later installed in such a manner as to be immovable.

Permit: A sign permit reviewed, approved, and issued by the Department of Community Development.

Permittee: The person or entity to whom a permit has been issued.

Portable sign: A sign which is not permanently affixed to the ground or to a structure, including but not limited to signs on trailers or signs mounted or painted on vehicles which are parked in such a manner as to serve the purpose of a sign. Such sign shall not exceed thirty-two (32) square feet if double faced or sixteen (16) square feet in sign area per side.

Principal building: The building in which the principal use of the lot is conducted. Nonresidential lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other structures with clearly accessory uses shall not be considered principal buildings.

Principal Freestanding Sign: The main, most prominent or largest freestanding sign on a property.

Principal use: The primary purpose for which land or a building is used.

Project entrance sign: On properties housing multiple buildings and/or uses, a freestanding sign located at the entrance of the development.

Public/Institutional Use: A non-profit or quasi-public use, such as a religious institution, library, public or private school, hospital or government-owned or government-operated structure or land used for public purposes.

Public sign: A sign erected or caused to be erected by a governmental entity.

Roof sign: A sign mounted on, and supported by, the main portion of a building or above the uppermost edge of a parapet wall or a building, and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves and architectural projections, such as canopies or marquees, shall not be considered to be roof signs but are considered building signs.

Sign: Any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement or illumination.

Sign face: That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two or more modules on the same surface that are separated or surrounded by open space or by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

Sign module: Each portion or unit of a sign face that is clearly separate from other such units by virtue of the expression of a complete thought, message, logo, or idea.

Sign structure: A structure exclusively or primarily intended to support a sign face and which, in combination with the sign face, comprises a sign as defined in this Chapter. A sign structure comprises all elements of a freestanding sign, including the sign face, background, or decorative elements related to the presentation or support of the sign's message, and the structural supports. A structure that incidentally supports a sign face but whose primary purpose is other than providing such support, such as, but not limited to, an exterior wall of a building, a roof, a structural retaining wall, or a decorative freestanding fence or wall at a project entrance is not considered a sign structure.

Standard yard sign: A temporary non-illuminated sign with an area not greater than four and one-half (4½) square feet with a sign face for short-term use, containing no reflective elements, flags or projections.

Temporary pole sign: A temporary non-illuminated sign with an area not greater than four and one-half (4½) square feet with a sign face for short-term use, containing no reflective elements, flags or projections, mounted on a pole on a nonresidential lot.

Temporary window sign: A temporary non-illuminated sign with an area not greater than three (3) square feet, containing no reflective elements, flags or projections and mounted in the window of a nonresidential structure.

Unlawful (illegal) sign: Any sign erected without a permit when a permit for the sign was otherwise required by this section or previously adopted ordinance or code; a permitted sign which has not been properly erected in accordance with the permit application and approved sign permit; or an otherwise lawful and permitted sign that has become hazardous or a nuisance to the public due to poor maintenance, dilapidation or abandonment.

Visible: Capable of being read from public right-of-way or adjacent property, without visual aid by a person with normal vision.

2.5. Compliance required. Signs placed within the unincorporated area of the county shall be erected in conformity with the standards of this section.

2.6. Signs that are regulated. The regulations and requirements of this section apply to all signs that are or are intended to be viewed from a public right-of-way or adjacent property, or that are intended to be viewed from outdoor areas or public property.

2.7. Exemptions. The following are exempt from permitting requirements imposed by this article, but must meet applicable regulations of this chapter:

2.7.1 *A-Frame signs.* One (1) such sign shall be allowed at each nonresidential space located on the ground floor of a building and which has direct front door access to and from a public sidewalk/access. Such signs shall not exceed eight (8) square feet if double-faced or four (4) square feet in sign area per side and shall not be illuminated. Such signs shall be located so as not to obstruct the pedestrian way.

2.7.2 *Address numerals.* Address numerals not to exceed four (4) inches in height in single family residential districts and ten (10) inches in all other districts.

- 2.7.3 *Antique or collectible signs.*
- 2.7.4 *Flags.* Two flags are permitted without a permit. Additional flags beyond the allowance of two shall require permitting and shall be considered in the property's overall sign allowance.
- 2.7.5 *Holiday Decorations.* Holiday decorations and displays erected on a seasonal basis that are not intended to be permanent in nature and displayed for no longer than forty-five (45) days.
- 2.7.6 *Home occupation signs.* Approved home occupation uses shall be allowed one (1) identification sign not to exceed four (4) square feet if double-faced in area or no more than two (2) square feet per side. If said sign is a free standing sign, not attached to the building, such sign shall not exceed four (4) feet in height.
- 2.7.7 *Incidental signs* as defined in this chapter.
- 2.7.8 *Temporary pole signs.* In addition to any other permitted sign in this section, temporary pole signs up to four (4) square feet in sign area, with an aggregate sign area not exceeding ten (10) square feet per lot for all such signs; such signs shall be a maximum height of four (4) feet with a minimum setback of ten (10) feet from all property lines.
- 2.7.9 *Legibility.* Any sign that is not legible from a distance of more than three (3) feet beyond the lot line of the lot or parcel on which the sign is located.
- 2.7.10 *Official signs.* Signs placed by or at the direction of a governmental body, governmental agency or public authority, such as, but not limited to, traffic signs, signals, or regulatory devices or warnings; official emblems, public notices, or official instruments; signs providing directions to specific facilities or locations; signs of historical interest; signs designating special events or areas of architectural or historic significance or gateways; or other similar governmental signs or devices. Such signs are authorized within all rights-of-way or other properties controlled by such governmental body, agency, or authority; and at such other locations as a governmental body, governmental agency or public authority may direct.
- 2.7.11 *Residential zones.* Signs on residentially zoned or residentially used property as long as they meet the requirements of this section.
- 2.7.12 *Window Displays.* Window displays of goods available on a site are not considered to be signs and are exempt from these sign regulations.
- 2.7.13 *Window Signs.* No more than fifty (50) percent or thirty-five (35) square feet, whichever is less, of the total available glass area shall be used to display permanent and temporary window signs. No window signs are allowed above the first floor unless the building is a multi-tenant office or commercial structure wherein tenants have primary direct access from their space to the outside.

2.8. Prohibited Signs. The following types of signs are prohibited:

2.8.1 *Abandoned signs.*

2.8.2 *Animated and flashing signs.*

2.8.3 *Attached and painted sign.* Signs that are painted on or attached to trees, fence posts, utility poles, or rocks or other natural features.

2.8.4 *Audible or smoke emitting signs.* A sign that emits or utilizes in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing, or a sign that emits smoke, vapor or odors, is not allowed.

2.8.5 *Beacons.*

2.8.6 *Billboards.*

2.8.7 *Dilapidated signs.*

2.8.8 *Festoons.* Unless used as a temporary sign as outlined in Section 6-90 (Temporary Signs), such are prohibited.

2.8.9 *Flashing signs.* Signs containing reflective elements that sparkle in the sunlight or that contain luminous paint that glows in the dark.

2.8.10 *Illegal activity.* Signs that advertise an activity illegal under county, state or federal law.

2.8.11 *Inflatable signs.*

2.8.12 *Interstate Highways.* No sign shall be erected that abuts or is visible from Interstate Highways 85 and 185 right-of-way in the County.

2.8.13 *Lights, Strands of.* Unless used as temporary signage subject to the time restrictions of section 6-90.

2.8.14 *Obscene signs.*

2.8.15 *Obstructions.* No sign shall obstruct any fire escape, window, door, or opening usable for fire prevention or suppression, or prevent free passage from one part of a roof to any other part thereof. No sign shall extend above a parapet wall, be affixed to a fire escape, or interfere with any opening required for ventilation.

2.8.16 *Portable signs.* Unless used as a temporary sign as outlined in Section 6-90 (Temporary Signs).

2.8.17 *Roof signs.*

2.8.18 *Unlawful/illegal signs.*

2.8.19 *Warning or traffic devices, Imitation.* Any sign that displays intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, and any sign that uses the words “stop”, “danger,” or other message or content in a manner that might mislead or confuse a driver. No red, green, or yellow illuminated sign shall be permitted within 300 feet of any traffic light.

2.8.20 *Within street or highway right-of-way.* No sign, whether temporary or permanent, except signs conforming to the Manual of Uniform Traffic Control Devices, and authorized by such manual, shall be placed in any right-of-way.

2.9. Physical Characteristics of Permanent Signs

2.9.1 *Permanent signs.* Permanent signs shall conform to the physical standards of this section.

2.9.2 *Design, material, and maintenance*

- a. All signs shall be designed and constructed in accordance with the applicable provisions of the *International Building Code* and the *National Electrical Code*;
 - b. The area on private property around the sign on which it is erected shall be properly maintained clear of brush, trees, and other obstacles so as to make signs readily visible.
 - c. All burned-out bulbs or damaged panels shall be replaced.
 - d. All sign copy shall be maintained securely to the face and all missing copy shall be replaced;
 - e. All signs shall be maintained in good structural condition at all times so that the public and traffic safety are not compromised, and
 - f. It shall be the responsibility of the sign owner to maintain and ensure compliance with the provisions of this chapter.
- 2.9.3 *Minimum Sign Setback.* Except as otherwise specifically provided for, the minimum set back for any freestanding sign shall be ten (10) feet from the front right-of-way lines and shall be ten (10) feet from the side and rear lot lines. However, in no case will a sign be allowed to obscure vision at a street or driveway intersection, or railway crossing. Vision clearance shall be measured at intersections by a line formed by the connection of two lines measured from the intersection and stretching away from the intersection along the right-of-way for a distance of twenty (20) feet. No sign shall be erected within the triangle formed by the end points of such measurements and their connecting line.
- 2.9.4 *Illumination.* No sign shall be illuminated by lights that flash, move, change in intensity, or turn on intermittently more than once a day, unless it is a permitted automatic changeable copy sign as allowed in this ordinance. To prevent glare visible from a public street or adjoining property, the beam of any light shall be directed so as not to be visible beyond the sign at which it is directed and the light source shall not be visible from any point on an adjacent property of the public right-of-way.

- a. Signs in residential zoning districts shall not be illuminated.
- b. Temporary signs shall not be illuminated.

2.10 *Off-premises sign*

- 2.10.1 Off-premises signs are permitted in C-4, M-1 and M-2 zoning districts.
- 2.10.2 There shall be a minimum distance of eight hundred (800) feet between all off-premises signs, whether conforming or non-conforming.

2.11 *Temporary Signs*

- 2.11.1 Temporary signage for uses other than single family and two-family residential use is limited to temporary pole signs, temporary window signs, banners, feather banners, A-frame signs and portable signs. A commercial entity may utilize temporary pole signs, banners and feather banners for premises under that entity's control for four (4) periods of ten (10) days each per year, or alternatively one (1) period of thirty (30) days per year. A-frame signs and temporary window signs may be utilized at all times in accordance with these regulations.

2.11.2 *Standard yard signs*

- a. Standard yard signs are permitted on all properties utilized for single family and two-family residential use.
- b. Standard yard signs are temporary signs designed for short term use and contain no reflective elements, flags or projections, and otherwise meet all standards of this section.
- c. All standard yard signs shall be located entirely on private property. Any such sign erected on public right-of-way is subject to immediate removal without prior notice.
- d. The sign face of a standard yard sign shall not exceed four and one-half (4½) square feet. The aggregate sign area of all standard yard signs on a lot shall not exceed sixteen (16) square feet.
- e. No standard yard sign shall be illuminated or include changeable copy.
- f. For single and two-family residential properties, standard yard signs shall stand at a height of not greater than three (3) feet and shall be mounted in the yard on a wooden stake or metal frame with a thickness or diameter not greater than one and one-half (1½) inches. Alternatively, not more than one (1) standard yard sign on such residential properties may be suspended from a wooden mailbox post where both the supporting structure and the cross are inserted at a 90 degree angle into the supporting structure are composed of wood measuring four (4) inches by four (4) inches and erected to an overall height not exceeding five (5) feet.

2.11.3 *Temporary window signs.* Temporary window signs are permitted for properties with a primary use other than single and two-family residential. Temporary window signs, each of which measure no more than four (4) square feet in sign area may be mounted in the window of a nonresidential use, provided no more than 35 percent of the visibility through the window is obscured by all such signs. Alternatively, one temporary window sign may be mounted on the wall adjacent to the primary entrance of each business. There is no durational limit on such signs.

2.11.4 *Banners*

- a. Banners are allowed in all zoning districts of the county other than single and two-family residential districts. Every nonresidential entity located in the county shall be permitted to display one (1) banner in accordance with the time limits specified in section 2.11.1; provided that no banner shall be displayed at the same time as a feather banner, and the time periods for which banners and feathers are permitted are cumulative.
- b. The maximum size of any such banner shall be no more than fifty (50) square feet.
- c. Each banner displayed shall be made from cloth, paper, fabric, vinyl or canvas with a minimum weight of eight (8) ounces. Each banner shall have metal grommets placed fifteen (15) inches on centers and in the corners for attachment. All edges of each banner shall be hemmed and reinforced by adding reinforcing material, such as rope or nylon tape, to the edges.
- d. Each banner shall be mounted on a building or similar solid structure. No banner displayed pursuant to this section shall be mounted on poles, wires or other such devices.
- f. Each time a banner is displayed pursuant to the provisions of this section, there shall be charged a permit fee as established from time to time by the county commission. Application for permit and payment of the permit fee shall be made to the Department of Community Development in the same manner and shall be handled as other sign permits, provided the department may utilize a truncated application form for banner permits that includes only the information necessary to determine eligibility for the permit. No banner shall be displayed until the permit has been issued by the county and the permit fee has been paid.
- g. Within 48 hours after notification of a violation of this section, prohibited banners shall be removed.

2.11.5 *Feather banners*

- a. Feather banners are permitted for nonresidential entities, limited to one (1) feather banner for each forty (40) feet of linear street frontage, not to exceed three (3) such signs for any lot. Feather banners shall be permitted for the time period provided by section 2.11.1; provided no feather banner shall be displayed at the same time as a banner, and the time periods for which feather banners and banners are permitted are cumulative.

- b. The maximum size of each feather banner shall be no more than twenty-seven (27) square feet.
- c. Each feather banner displayed shall be made from cloth or fabric. Use of plastic is prohibited. All edges of each feather banner shall be hemmed and reinforced.
- d. Each time a feather banner is displayed pursuant to the provisions of this section, there shall be charged a permit fee as established from time to time by the county commission. Application for permit and payment of the permit fee shall be made to the office of the Department of Community Development in the same manner and shall be handled as other sign permits, provided the Department may utilize a truncated application form for feather banner permits that includes only the information necessary to determine eligibility for the permit. No feather banner shall be displayed until the permit has been issued by the county and the permit fee has been paid.
- e. Within 48 hours after notification of a violation of this section, prohibited feather flags shall be removed.

2.11.6 *A-frame signs*

- a. One (1) A-frame sign is permitted per nonresidential entity in all nonresidential districts, provided the entity occupies ground floor space with a direct access to public right-of-way.
- b. A-frame signs are limited to forty-two (42) inches in height, thirty (30) inches in width, with overall sign face area not to exceed six (6) square feet.
- c. A-frame signs constitute a form of signage that is granted by a permit but which is utilized only during active hours for which the commercial entity is open. A-frame signs shall be located entirely on private property.
- d. A-frame signs shall not be illuminated.
- e. Plastic board or unfinished plywood are prohibited materials for sidewalk signs.
- f. A-frame signs shall be located on or adjacent to sidewalks in such manner that they do not encroach upon required four (4) foot accessible pedestrian paths.
- g. The base of an A-frame sign shall not be located more than eighteen (18) inches from the facade of the entity responsible for the sign.
- h. A-frame signs may only be displayed during business hours and shall be removed when the entity is closed.
- i. A-frame signs shall be composed of stained or painted wood with a sign face composed of wood or slate (chalk) board or dry erase board.

2.11.7 *Area, Height and Setback.* In a nonresidential zoning district temporary pole signs no larger than six (6) square feet in sign face area per sign face and five (5) feet in height may be permitted as a temporary sign. No temporary pole sign shall be located in the public right-of-way, and in any event, shall be located no less than ten (10) feet from the back of the curb or from the edge of the pavement on streets with no curbing. The square footage of said pole sign, when combined with other signs on the same lot, shall not exceed the total square footage authorized for signs in the land use category. Said pole sign shall not contain lights or be lit by external means.

2.11.8 *Duration of temporary signs.* Each temporary permit will be valid for a period not to exceed thirty (30) consecutive days. No 30-day permit may be issued within sixty (60) days after the expiration of any other 30-day period. Individual businesses, offices or other nonresidential uses within a building or complex housing multiple uses shall coordinate with the owner of the property as to use of the lot's overall allowance as provided in this section.

2.11.9 *Number of Temporary Signs.* One permit for a combination of the listed types of temporary signs may be issued if all the temporary signs are for a concurrent time period. The permit holder shall be responsible for the prompt and complete removal of such signs upon the expiration of the permit.

2.11.10 *Location of Temporary Signs*

- a. No temporary sign shall be located in the public right-of-way, and in any event will be no less than ten (10) feet from the back of the curb or from the edge of the pavement on streets with no curbing.
- b. Temporary signs are not allowed to be placed within or on the railroad right-of-way or private street easement.
- c. A temporary sign shall not be affixed to any tree, utility pole, or official traffic sign or structure.
- d. A temporary sign shall be erected and maintained only with the permission of the owner of the property upon which the sign is located.

2.11.11 *Construction and Lighting Standards of Temporary Signs*

- a. Non-permanent but water-resistant construction materials may be used, such as, but not limited to, poster board, foam core board, or illustration board.
- b. The words, letters, figures, symbols, logos, fixtures, colors, or other design elements that convey the sign's message shall be permanently applied to the sign's face. Automatic changeable copy signs are prohibited as temporary signs.
- c. Temporary signs shall not be illuminated.

2.11.12 *Portable Signs and Streamers.* Portable signs and streamers are allowed as temporary signs only on a property zoned commercial or industrial subject to all provisions that pertain to temporary signs and the following additional restrictions.

a. Portable Signs. One (1) portable sign per developed lot or business is allowed under the following conditions and requirements:

- (1) Prior to the erection or placement of these signs or devices, all required fees and taxes shall be paid by the owner of the sign.
- (2) The maximum size allowance for these devices and signs shall not exceed thirty-two (32) square feet. The square footage of said portable sign, when combined with other signs on the same lot, shall not exceed the total square footage authorized for signs in the land use category. Said sign shall not have flashing lights.
- (3) No portable sign shall be placed on a lot that is used for residential purposes.
- (4) The sign must be placed on the site in such a manner as to be at ten (10) feet from the right-of-way and to not be an obstruction for traffic or visibility.
- (5) To prevent wind damage to the sign or other property, the sign must be securely anchored to the site.
- (6) All electrical connections to the sign must be in compliance with the electrical code as adopted by the County, and must be inspected prior to use.
- (7) The maximum number of portable sign permits to be issued to a single location or site at any given time shall be one (1) sign, not to exceed the time allowance of section 2.11.1.
- (8) A site or location for the purpose of this section shall be defined as land under common ownership.

b. Streamers

- (1) Streamers shall be counted towards the total square foot sign area permitted for the lot on which they are placed, and when added to the area of all other signs on said lot shall not exceed the total sign area permitted for the lot.
- (2) No part of any streamer shall be located in, on or within ten (10) feet of a public right-of-way.

2.12. Sign Types Permitted in specific zoning districts. The following schedules of sign uses indicates signs permitted in each zoning district. All other signs not mentioned are prohibited. Signs listed in Section 6-87 (Exemptions) are permitted in all districts.

USE &/OR ZONING	PRINCIPAL FREESTANDING - ONE USE ON PROPERTY				PRINCIPAL FREESTANDING - MULTIPLE TENANT USES				PROJECT ENTRANCE SIGN				PERMITTED BUILDING SIGNAGE					
	Max #	Max Sign Structure Area	Max Height	Illumi-nation	Max #	Max Sign Structure Area	Max Height	Illumi-nation	Max #	Max Sign Structure Area	Max Height	Illumi-nation	Max #	Max Sign Structure Area of Wall on which Sign is Placed	Max Height	Illumi-nation	Max Sign Area Additional Under Canopy Sign	Max Sign Structure Area of Signs on Free-Standing Canopy
A/O Apartment	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	2 per single entrance	32 SF	8'	external	n/a	n/a	n/a	n/a	n/a	n/a
									1 per entrance	64 SF dbf faced	8'	external						
A/O Office	1 per single use	16 SF dbf faced	8'	none	1 per multiple tenant	32 SF dbf faced	8'	none	2 per single entrance	32 SF	8'	external	1 per tenant	up to 25% per tenant for total max of 100 SF	n/a	none	n/a	n/a
									1 per entrance	64 SF dbf faced	8'	external						
A-1	1 per lot	32 SF dbf faced	8'	external	n/a	n/a	n/a	n/a	2 per single entrance	32 SF	8'	external	none	n/a	n/a	n/a	n/a	n/a
									1 per entrance	64 SF dbf faced	8'	external						
Public/ Institutional	1 per lot	32 SF dbf faced	8'	external or internal	1 per lot	64 SF dbf faced	8'	external or internal	2 per single entrance	32 SF	8'	external	1 per tenant	up to 25% per tenant for total max of 100 SF	n/a	none	1 per tenant; up to 4 SF dbf faced	10% of area, max 9 SF
									1 per entrance	64 SF dbf faced	8'	external						
RR, R-1, R-2, R-3, MHU-1, MHU-2	1 per lot	6 SF dbf faced	3'	none	n/a	n/a	n/a	n/a	2 per single entrance	32 SF	8'	external	1	2 SF/side or 4 SF dbf faced	n/a	none	n/a	n/a
									1 per entrance	64 SF dbf faced	8'	external						
C-1	1 per lot	25 SF dbf faced	8'	external	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1 per facade	2 SF per LF	n/a	none	n/a	n/a
C-3	1 per lot	32 SF dbf faced	8'	external or internal	1 per lot	64 SF total	8'	external or internal	2 per single entrance	32 SF Monument sign only	8'	external	1 per tenant	up to 25% per tenant for total max of 100 SF	n/a	none	1 per tenant; up to 4 SF dbf faced	n/a
									1 per entrance	64 SF Monument sign only dbf faced	8'	external						

USE &/OR ZONING	PRINCIPAL FREESTANDING - ONE USE ON PROPERTY				PRINCIPAL FREESTANDING - MULTIPLE TENANT USES				PROJECT ENTRANCE SIGN				PERMITTED BUILDING SIGNAGE					
	Max #	Max Sign Structure Area	Max Height	Illumi-nation	Max #	Max Sign Structure Area	Max Height	Illumi-nation	Max #	Max Sign Structure Area	Max Height	Illumi-nation	Max #	Max Sign Structure Area of Wall on which Sign is Placed	Max Height	Illumi-nation	Max Sign Area Additional Under Canopy Sign	Max Sign Structure Area of Signs on Free-Standing Canopy
C-4	1 per lot	64 SF dbl faced	8'	external or internal	1 per lot	100 SF total	20'	external or internal	2 per single entrance 1 per entrance	32 SF Monument sign only 64 SF Monument sign only dbl faced	8' 8'	external external	1 per tenant	up to 25% per tenant for total max of 100 SF	n/a	none	1 per tenant up to 4 SF dbl faced	10% of area, max 9 SF
M-1, M-2	1 per lot	64 SF dbl faced	8'	external or internal	1 per lot	100 SF total	20'	external or internal	2 per single entrance 1 per entrance	32 SF Monument sign only 64 SF Monument sign only dbl faced	8' 8'	external external	1 per tenant	up to 25% per tenant for total max of 100 SF	n/a	none	1 per tenant up to 4 SF dbl faced	10% of area, max 9 SF
CORD	1 per lot	64 SF dbl faced	8'	external or internal	1 per lot	100 SF total	20'	external or internal	2 per single entrance 1 per entrance	32 SF Monument sign only 64 SF Monument sign only dbl faced	8' 8'	external external	1 per tenant	up to 25% per tenant for total max of 100 SF	n/a	none	1 per tenant up to 4 SF dbl faced	10% of area, max 9 SF
PRD, PCD, PMD, CUPD	Regulations based on use of parcel				Regulations based on use of parcel				2 per single entrance 1 per entrance	32 SF Monument sign only 64 SF Monument sign only dbl faced	8' 8'	external external	Regulations based on use of parcel					
Resort	Regulations based on use of parcel				Regulations based on use of parcel				2 per single entrance 1 per entrance	32 SF Monument sign only 64 SF Monument sign only dbl faced	8' 8'	external external	Regulations based on use of parcel					

2.13. Nonconforming Signs

- 2.13.1 Signs lawfully erected under prior ordinances which do not conform to provisions of this section, shall be deemed to be legal nonconforming signs and may remain, except as otherwise specifically qualified in this section. Such signs shall not be enlarged, extended, structurally reconstructed, replaced or altered in any manner; except a sign face may be changed so long as the new sign face does not increase either in height or sign area or utilize a different technology. This provision shall not have the effect of excusing any violation of any other section. Nor shall this provision have the effect of permitting the continued existence of any unsafe sign or any sign that is not in a good state of repair.
- 2.13.2 Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. No repairs other than minor maintenance and upkeep of nonconforming signs shall be permitted except to make the sign comply with the requirements of this section. A nonconforming sign which has been declared by the Code Enforcement Officer of Harris County to be unsafe because of its physical condition shall not be repaired, rebuilt or restored unless such repair or restoration will result in a sign which conforms to all applicable provisions of this section.
- 2.13.3 When a nonconforming sign is destroyed or toppled by an act of God, forces of nature or any other destructive action or occurrence beyond the control of the sign owner, said sign may be replaced to its original nonconforming condition.

2.14. Sign permits

- 2.14.1 *Permit required.* A permit shall be required for the erection, alteration or reconstruction of any sign unless otherwise noted in Section 6-87 (Exemptions) and shall be issued by the Community Development Department in accordance with the regulations contained in this chapter.
- 2.14.2 *Purpose.* The purpose of this section is to provide a timely and standardized mechanism for reviewing applications for sign permits to ensure signs within the county comply with the objective standards of this chapter, including, but not limited to, the height and size provisions.
- 2.14.3 *Authority.* The code enforcement officer is authorized to review and approve or disapprove an application for a sign permit pursuant to the procedures of this section and the standards of this chapter.
- 2.14.4 *Applicability.* No sign, except those specified in Section 6-87 (Exemptions) of this chapter, shall be erected, placed, reconstructed or structurally altered without the sign owner having first obtained a sign permit from the code enforcement officer, pursuant to the procedures in this section and the standards of this chapter.
- 2.14.5 *Permitted signs by ordinance.* Pursuant to Section 6-87 (Exemptions) of this chapter, a general permit has been granted for those signs listed therein, and no application for a sign permit is required so long as all applicable standards of this chapter are met.

- 2.14.6 *Procedure.* The following procedure shall govern the application for, and the issuance of all sign permits under this chapter.
- 2.14.7 *Initial submission and review of application.* Application for a sign permit shall be made on the form provided by the code enforcement officer and shall be accompanied by the information and documents listed on the form and the fee as required by the county. An application will only be deemed as completed when all required information and accompanying documents are received. The following information will be required at a minimum.
- a. The type and purpose of the sign as defined in this chapter.
 - b. The value of the sign.
 - c. A survey to scale showing the street address of the property upon which the subject sign is to be located, the proposed location of subject sign on the property, the distance of the proposed sign from the property's boundaries, and all existing structures or buildings on the property.
 - d. The square foot area per sign face and the aggregate square foot area if there is more than one (1) sign face.
 - e. The name(s) and address(es) of the owner(s) of the real property upon which the sign is to be located.
 - f. Written consent of the owner of the property, or his/her agent, granting permission for the placement, maintenance, size and height of the sign to be placed on the property.
 - g. For building signs: a set of building elevations or photographs of the building facade shall be supplied.
 - h. The name, address, telephone number, and business license number of the sign contractor unless the sign is handwritten or hand-painted by a non-professional sign contractor.
 - i. Scaled elevation of the size and height of the proposed sign from ground level and adjacent street level.
- 2.14.8 *Action by Code Enforcement Officer.* The code enforcement officer has five (5) working days to determine whether the application is complete. If the application is determined to be incomplete, the applicant will be notified by phone, e-mail, or in writing. Within fifteen (15) working days after the application is determined complete, the code enforcement officer shall review the application in accordance with this section and determine whether the application complies with the standards in this chapter.
- 2.14.9 *Approval.* If the Code Enforcement Officer finds that the completed application complies with the standards of this chapter, the Code Enforcement Officer shall approve a sign permit. Complete sign applications for which no action has been taken after twenty (20) working days of submission shall be deemed approved.

- 2.14.10 *Fails to comply.* If the Code Enforcement Officer determines the application fails to comply with the standards of this chapter, the applicant shall be provided a written notification with explanation of denial. If the applicant resubmits the application within sixty (60) days of the written notification of denial, the resubmitted application does not require payment of an additional fee
- 2.14.11 *Resubmittal.* A revised application shall be resubmitted to the Code Enforcement Officer and reviewed by the Officer within fifteen (15) working days after its resubmittal. The Code Enforcement Officer shall approve or disapprove the application, based on the criteria in this chapter.
- 2.14.12 *Criteria.* A sign permit shall be approved upon a finding that the proposed signage meets the criteria of this ordinance.
- 2.14.13 *Expiration.* A sign permit shall become null and void if the sign for which the permit was issued has not been installed and completed within six (6) months after the date of issuance; provided, however, that when an applicant can demonstrate that a commercial entity was engaged to construct the permitted sign, but the fabrication has not yet been completed, one (1) ninety (90) day extension may be granted by the Code Enforcement Officer. No refunds will be made for fees paid for permits that expired due to failure to erect a permitted sign. If later an individual desires to erect a sign at the same location, a new application and applicable fee must be submitted in accordance with the fee schedule applicable at such time.
- 2.14.14 *Amendments.* A sign permit may be amended, extended, or modified only in accordance with the procedures established for its original approval.
- 2.14.15 *Maintenance of permit.* The owner or lessee of a lot containing signs requiring a permit under this chapter shall, at all times, maintain a sign permit for such property.
- 2.14.16 *Assignment of sign permits.* A current or valid sign permit shall be freely assigned or transferred to a successor as owner or lessee of the property or holder of a business license for the same premises, subject only to filing such application as the county may require and paying any applicable fees. The assignment shall be accomplished by filing and shall not require approval unless changes are made to the height, location or material of the sign. If such changes are proposed, a new sign permit must be received and the procedures for a new sign as outlined in this section must be adhered to.
- 2.14.17 *Appeals.* The following procedures shall govern the appeal of any decision to deny an application for a sign permit under this chapter.
- a. Any applicant aggrieved or affected by the denial of an application for a sign permit may appeal the determination to the Board of Zoning Adjustments by filing written notice of appeal with the Community Development Director within ten (10) business days of the decision. The appeal shall be scheduled and heard in conformance with the adopted hearing schedule of the board, provided all appeals shall be heard no later than sixty (60) days following filing of the notice of appeal.

- b. At the hearing, the appellant shall be allowed to present evidence and testimony and may call witnesses on his behalf. The official from whose decision appeal was taken may likewise present evidence and testimony and may call witness on behalf of the decision. Appeal hearings shall be tape recorded; an appellant may provide a certified court reporter to take down the proceedings at the sole expense of the appellant. In considering the appeal, the Board of Zoning Adjustments shall be bound by the standards specified in this section and shall render its decision no later than thirty (30) days from date of hearing.
- c. Any party aggrieved or affected by the decision of the board of zoning adjustments may appeal to the appropriate court.

2.15. Enforcement

- 2.15.1 *Enforcement Officer.* The provisions of this chapter shall be administered and enforced by the Code Enforcement Officer as defined herein.
- 2.15.2 *Notice.* The Code Enforcement Officer shall give the permittee not less than ten (10) nor more than thirty (30) days written notice of violation based on the practical considerations of completing measures to comport with the standards of this chapter, to correct deficiencies or to remove a sign which is in violation of this chapter. If the permittee refuses to correct the deficiencies or remove the sign, the code enforcement officer will have the sign removed at the expense of the permittee.
- 2.15.3 *Penalties.* If the violation is not eliminated within the required time period, the sign permit shall be revoked, and a citation shall be issued, which shall be returnable and heard in the Magistrate Court of Harris County, and if convicted of violating this Ordinance or any portion thereof shall be guilty of an offense and shall be punished by a fine not to exceed five hundred dollars (\$500) per offense. Each day in which the violation continues to occur shall constitute a separate violation.
- 2.15.4 *Public nuisance.* Any violation of this chapter is hereby declared to be a public nuisance.
- 2.15.5 *Appeal.* Any violator may appeal the determination of the code enforcement officer to the board of zoning adjustments with the procedures outlined in section 2.14.17 (Appeals). Any appeal shall act as a supersedes of the County's enforcement of this chapter, except to the extent that violation of this chapter is deemed to present a safety hazard to the public.
- 2.15.6 *Legal Proceedings.* The code enforcement officer, upon a finding that any provision of this chapter is being violated, is authorized to institute legal proceedings to enjoin violations of this chapter. The violator shall be liable for court costs and reasonable attorney fees incurred by the county.

E. Article IV. Signs Near Interstate Highways, of Chapter 6 - Taxation, Licenses & Business Regulations, is hereby amended by deleting in its entirety.

SECTION 2: UNCONSTITUTIONALITY

If any part of this ordinance shall be deemed to be unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment and the remainder thereof shall remain in full force and effect.

SECTION 3: REPEALER

All laws, ordinances, resolutions or part thereof which conflict with this ordinance are hereby repealed.

SECTION 4: EFFECTIVE DATE

This Ordinance shall become effective upon adoption.

INTRODUCED & READ BEFORE THE PLANNING COMMISSION: NOVEMBER 21, 2018

INTRODUCED & READ BEFORE BOARD OF COMMISSIONERS: DECEMBER 4, 2018

ADOPTED/REJECTED: _____

/s/ Becky Langston, Chairman
/s/ Andrew Zuerner, Vice-Chairman
Attest:

/s/ Susan Andrews, Commissioner
/s/ Rob Grant, Commissioner
/s/ Harry Lange, Commissioner

/s/ Nancy D. McMichael, County Clerk