

## SECTION 12: SIGN REGULATIONS

### Section 12.01 Purpose and Applicability

This section is to establish a permit system for **on-premise** as well as **off-premise** signs to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this ordinance.

The purpose of these sign regulations are:

- To encourage the effective use of signs as a means of communication in the City;
- To maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth;
- To improve pedestrian and traffic safety;
- To minimize the possible adverse effect of signs on nearby public and private property;
- To enable the fair and consistent enforcement of these sign restrictions;
- To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits;
- To provide for temporary signs without commercial messages in limited circumstances in the public right-of-way;
- To prohibit all signs not expressly permitted by this ordinance; and
- To provide for the enforcement of this ordinance.

### Section 12.02 Sign Definitions

Words and phrases used in this chapter shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in the zoning ordinance shall be given the meanings set forth in Section 2. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

1. ANIMATED SIGN - Any sign that uses movement or change of lighting to depict action or create a special effect or scene.
2. BANNER - Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
3. BALLOONS – Any sign that floats above the ground, motorized or non-motorized.
4. BEACON - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move (contact airport management before placement).
5. BENCH SIGN – Any sign painted on street furniture, especially bus stop benches.

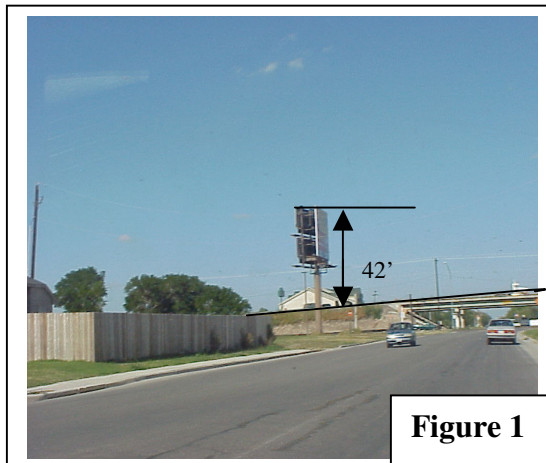
6. BUILDING MARKER - Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
7. CANOPY SIGN - Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. (A marquee is not a canopy.)
8. CHANGEABLE COPY SIGN - A sign or portion thereof with characters, letters, numbers, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time and/or temperature shall be considered a “time and temperature” portion of a sign and not a changeable copy sign for purposes of this ordinance.
9. COMMERCIAL MESSAGE - Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
10. FLAG - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
11. FREESTANDING SIGN - Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from (i.e. not attached to) any building or other structure.
12. INCIDENTAL SIGN - A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking,” “entrance,” “loading only,” and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.
13. LOT - Land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as required under this ordinance, and having its principal frontage upon a public street (same as PREMISE).
14. MARQUEE - Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
15. NON-CONFORMING SIGN - Any sign previously permitted and/or allowed existing at the time of the Ordinance adoption that does not conform to the requirements of this ordinance.
16. OFF-PREMISE SIGN - A sign advertising a product, service, or other type of communication which is on a lot which is not the location at which the product or service is offered.

17. ON-PREMISE SIGN – A sign advertising a product or service on a lot at which the product or service is offered.
18. PENNANT - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
19. PERMANENT SIGN – A sign that is securely attached to a building or premise according to building codes.
20. POLITICAL SIGN – Any sign which promotes a candidate for any public office or which advocates a position on any social issue as its primary purpose. Political signs are considered non-commercial signs and are a special category of temporary sign that require permitting for all signs 36 square feet or larger.
21. PORTABLE SIGN - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to, leaning against, placed inside of, or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
22. PREMISE – Land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as required under this ordinance, and having its principal frontage upon a public street (same as LOT).
23. PROJECTING SIGN - Any sign built in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.
24. REAL ESTATE SIGN – Any sign used for the primary purpose of advertising the availability of real property for sale.
25. RESIDENTIAL SIGN - Any sign located in a district zoned for residential uses that contains no commercial message.
26. ROOF SIGN - Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
27. ROOF SIGN, INTEGRAL - Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

28. **SIGN** - Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity or product, or to communicate information of any kind to the public.
29. **STREET FRONTAGE** - The distance for which a lot line of a lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.
30. **SUSPENDED SIGN** - A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
31. **TEMPORARY CONSTRUCTION SIGN** – A sign used to promote the contractor, bank or other business involved in or responsible for construction taking place on the premise.
32. **TEMPORARY SIGN** - Any sign that is used only temporarily and is not permanently mounted according to building codes.
33. **WALL SIGN** - Any sign attached parallel to, but within twelve inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
34. **WINDOW SIGN** - Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside or outside of a window or on the window panes or glass and is visible from the exterior of the window.

**Section 12.03 Sign Regulations**

- A. **HEIGHT** – The height of a sign shall be computed as the vertical distance from the base of the sign at the roadbed grade (or the surface grade beneath the sign if not flush with the ground) to the top of the highest attached component of the sign. Along elevated Expressway sections, the height shall be measured from the centerline of the main traveled way (see Figure 1).



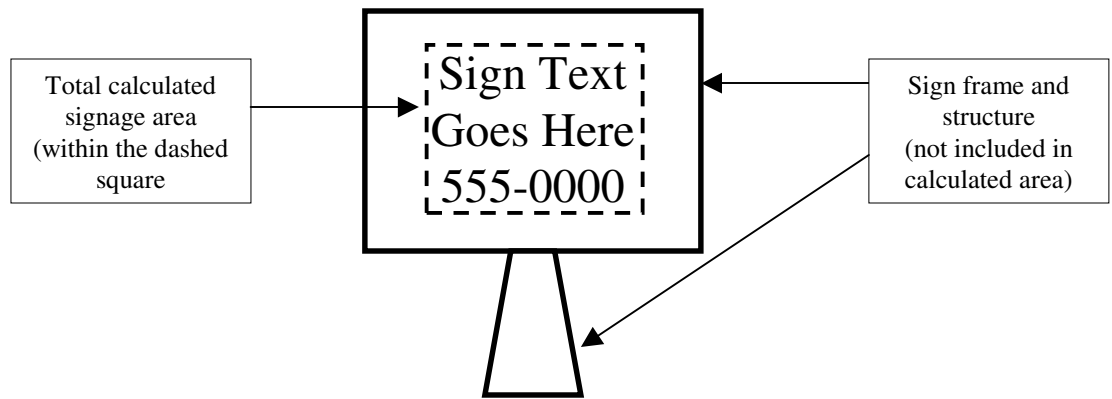
**Figure 1**

Table 12-1												
Maximum Sign Heights												
Zoning Designation*	N	R1	R2	M1	M2	MH	PD	O	NS	GR	LI	HI
On-Premise Sign	N/A	10'	10'	15'	15'	15'	**	25'	30'	50' ^	50' ^	50' ^
Off-Premise Sign	N/A	N/A	N/A	N/A	N/A	N/A	**	N/A	N/A	42.5'	42.5'	42.5'

\* For Zoning Designation explanations, see Section 4.01  
 \*\* For Planned Development requirements, see Section 15.06  
 ^ For on-premise signs within 600' of Expressway 77/83, Expressway 83 or Future Interstate I-69 maximum sign height is 80' (Distances are measured along public rights-of-way at 90 degree angles)

**B. AREA**

Individual Signs: The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. This does not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself (see example below).



Multi-faced Signs: The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any given point. When two sign faces are placed back to back, so that only one face can be seen by approaching traffic at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

**Total Permitted Sign Area:** The permitted sum of the area of all individual signs on a premise shall be computed by adding the area of each individual sign. Total sign area permitted is based on linear foot building frontage on streets and is defined in Table 12-2. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot’s total sign area allocation that is derived from the lot frontage on that street. In addition, multiple lots may pool together their frontages to allow for a larger shared sign at an appropriate location.

**Painted Signs:** Lettering painted on buildings will not require a building permit (for on-premise signs), but will be counted toward maximum sign area allowed.

**Placement:** No sign shall obstruct traffic or violate the sight triangle visibility as defined in Section 7.03 and Appendix A-2. No sign with a commercial message shall be placed in the right-of-way without first obtaining a license to encroach.

<b>Table 12-2</b>												
<b>Maximum Total Sign Area</b>												
Zoning Designation*	N	R1	R2	M1	M2	MH	PD	O	NS	GR	LI	HI
<b>ON-PREMISE SIGNS</b>												
Square Feet of Sign Allowed per Linear Foot of Building Facing Street (regardless of height)	N/A	0.3	0.4	0.4	0.4	0.4	**	1.0	0.5	3.0	1.2	1.2
<b>OFF-PREMISE SIGNS</b>												
Max. number of total sq. ft. (see multi-faced signs above)	N/A	N/A	N/A	N/A	N/A	N/A	**	N/A	N/A	672	672	672
* For Zoning Designation explanations, see Section 4.01												
** For Planned Development requirements, see Section 15.06												

C. **LIGHTING** – Signs may be illuminated subject to the following restrictions:

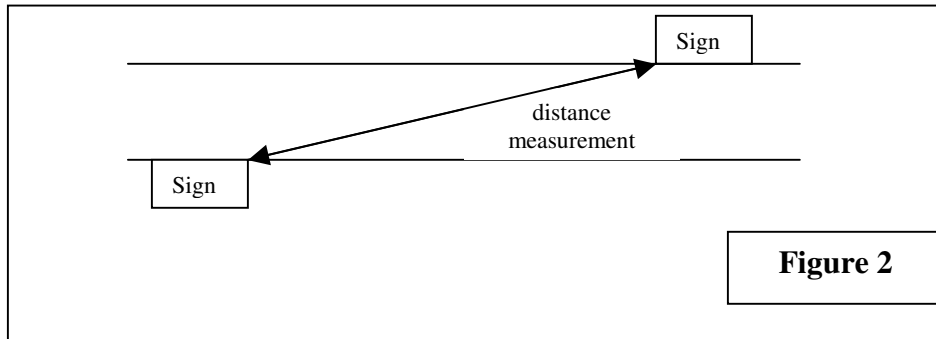
1. No revolving or rotating beam or beacon of light that simulates any emergency light or traffic device shall be permitted as part of any sign. Flashing devices shall not be permitted upon a sign; however, illuminated signs that indicate customary public information, such as time, date, temperature or other similar information, shall be permitted.
2. External lighting, such as floodlights, thin line and goose neck reflectors, are permitted, provided the light source is directed on the face of the sign and is effectively shielded so as

to prevent beams or rays of light or glare or other unsafe conditions from being directed into any portion of the traveled roadway.

3. The illumination of any sign within two hundred (200) feet of a residential lot line shall be diffused or indirect in design to prevent direct rays of light from shining into adjoining residential districts or lots.
4. Any extension or power cords used shall not be visible or accessible but secured in rigid conduit or otherwise safely secured as required by the currently adopted city electrical code.

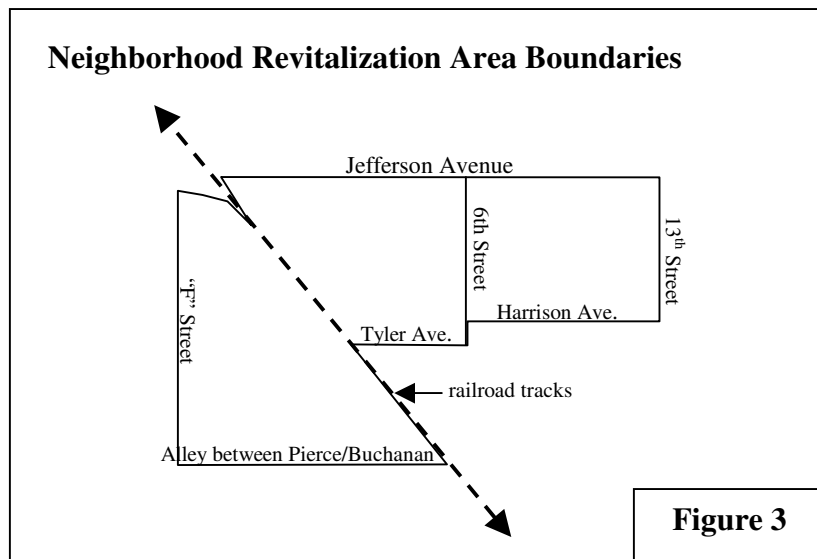
**D. OFF-PREMISE SIGNS**

1. For the purpose of this regulation, each side of the Expressway (Future I-69) shall be considered separately.
2. All distances shall be measured directly along the public right-of-ways at the shortest distance possible where necessary to cross the street (see Figure 2).



3. Off-premise signs having a face area of greater than 242 square feet shall not be erected within 1,500 feet of another off-premise sign. Signs within this range of size are allowable only on the Expressway corridor (Future I-69).
4. Off-premise signs having a face area ranging from 100 to 242 square feet shall not be erected within 1,000 feet of another off-premise sign on the same street. Signs within this range of size are allowable only on streets designated by the Comprehensive Plan Thoroughfare Map as a major arterial, minor arterial or collector.
5. Off-premise signs having a face area of less than 100 square feet shall not be erected within 500 feet of another off-premise sign on the same street.
6. Signs are not in violation of this section because of their proximity to one another if they are located so that their messages are directed toward traffic flowing in different directions, but in no case may be within 650 radial feet of another sign.

7. Bench signs with advertising shall not be used in the calculation of distances between off-premise signs due to specific placement requirements usually affixed to bench signs.
8. No sign shall be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device, or interfere with a driver's view of approaching or intersecting traffic.
9. No off-premise signs shall be allowed within 500 feet from any church, synagogue, cemetery, preschool, school, college, public park, public playground or designated scenic area except political signs 36 square feet or less.
10. Off-Premise signs will not be allowed within the Neighborhood Revitalization Strategy Area. (See Figure 3.)



**12.04 Permits Required**

- A. ON-PREMISE SIGNS – Any sign which is 36 square feet or larger and is not specifically exempted or prohibited by this ordinance will require a sign permit prior to being placed, constructed, erected, or modified on a lot. The owner, leaseholder or his agent shall secure a sign permit prior to the construction, placement erection, or modification of such sign in accordance with the requirements of this section.
- B. OFF-PREMISE SIGNS – **All** off-premise signs require a permit prior to being erected, placed, installed or modified (including, but not limited to, painted signs and signs smaller than 36 square feet, except political signs placed on private property).
- C. GENERAL
  1. If the work to be performed is a modification of a non-conforming sign already existing on the lot, it cannot increase the amount of non-conformance of the sign.

2. A sign shall not be erected without first having obtained a permit from the Building Inspection Department of the city. A permit application must be submitted to be reviewed and appropriate fees paid prior to review, approval and construction.
3. An engineering seal shall be required on any freestanding sign 25' or taller to withstand 125 m.p.h. winds. All signs requiring permits shall be erected only by a sign contractor registered annually with the City of Harlingen as specified in Section 8-7 of the Harlingen Code of Ordinances. All electrical and structural specifications shall meet the currently adopted codes of the City of Harlingen.
4. Permits issued for all signs shall expire within 90 days of issuance.

### **Section 12.05 Design, Construction, and Maintenance**

1. All signs shall comply with applicable provisions of the International Building Code and the National Electrical Code as currently adopted by the City at all times.
2. All signs requiring a permit must be marked in some permanent manner with the name of the contractor upon completion of the project. This marking must be visible and able to be read from the ground except in cases where design restrictions forbid visible placement. In that case, the contractor must include on the sketch where the permanent marker will be placed (e.g. mall sign markers may be placed on the top of the channel letters).
3. Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
4. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes at all times.
5. All signs must be maintained current, that is, not advertising defunct businesses and must be legible and in good repair without broken faces, missing or chipped letters or faded beyond recognition.

### **Section 12.06 Special Sign Categories, Permitted, and Prohibited Signs**

#### **A. POLITICAL SIGNS**

Political signs are a special type of temporary sign.

A permit must be obtained for each sign erected that is 36 square feet or larger. All political signs should be spaced to avoid dangerous visual clutter caused by a proliferation of signs.

B. PAINTED SIGNS

Signs painted on the side of buildings will not require a building permit, but will be counted toward overall square footage of signs allowable (off-premise painted signs will require a permit).

C. TEMPORARY SIGNS

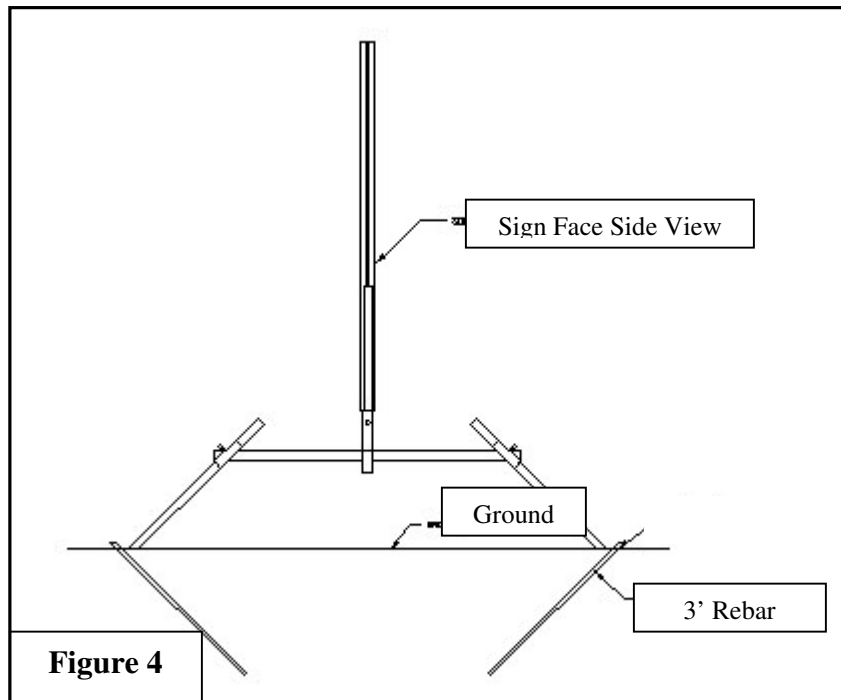
Temporary signs shall be prohibited except for short periods of time not to exceed fourteen consecutive days, and not more than four times per calendar year. (Non-profit, civic, religious or charitable organizations will be exempt from this provision.)

Real Estate Signs are a special category of temporary sign and will be exempt from permitting if less than 36 square feet. These temporary signs may be in place until such time the real property is no longer offered for sale or lease.

Construction Signs are a special category of temporary sign used to promote the contractor, bank or other business/ service involved or responsible for construction taking place on the premise and are allowable until such time as construction is complete and the building is occupied by tenant or user. Such businesses/services include, but are not limited to, landscaping, financing, and subcontractors of all types.

Political Signs are a special category of temporary sign whose regulations are specified under a separate section above.

- D. SECURED PORTABLE SIGNS – These signs (usually lighted arrow signs or black signs with neon letters) will not be treated as temporary signs and will be allowable as permanent signs only if they are secured into the ground with 3’ rebar stakes as shown in Figure 4. **Any signs intended to be permanent, but not securely fixed upon passage of this ordinance will have thirty days to be secured in this manner.** If electrical connections are allowed on these signs, the customer must have the proper electrical receptacles in place to allow safe lighting of the sign and avoid loose or accessible connections, extension cords, etc. If proper electrical receptacles are not available upon sign delivery, the electrical connectors within the sign must be disabled by the sign company to ensure safe use by customer.



E. EXEMPT SIGNS

The following signs shall be exempt from regulations under this ordinance:

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;
2. Any advertising sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is located;
3. Works of art that do not include a commercial message as its primary intent;
4. Lights and decorations with no commercial message (such as holiday);
5. Traffic control signs on private property, such as Stop, Yield and similar signs, the face of which contain no commercial message of any sort;
6. Informational signs of a public utility regarding its poles, lines, pipes or facilities;
7. Signs placed by a governmental agency, public utility company or a contractor doing authorized or permitted work within the right-of-way; and
8. Event banners placed across City rights-of-way for special events as determined by the City manager's Office or its agent who shall also establish the length of time banners may be erected.

- F. PROHIBITED SIGNS – It shall be unlawful for any person, corporation or entity to knowingly or intentionally place or maintain a sign:
1. Which is on the city right-of-way unless a “license to encroach” has been issued by the City Commission or if it is part of the Downtown Development District and is part of an awning or suspended sign projecting over a public right-of-way provided they maintain a clearance of at least nine feet to the bottom of such projection and do not project more than 2/3<sup>rds</sup> the distance of the existing sidewalk right-of-way;
  2. That is obsolete or does not meet building code standards, out of date political billboards, signs advertising defunct businesses and signs which require a sign permit but were erected without such a permit having been issued;
  3. Which is not legible or in good repair, such as with broken faces, faded or missing letters, etc.;
  4. That is not securely fixed as per building codes;
  5. That attempts or appears to attempt to regulate, warn or direct the movement of traffic or which interferes with, imitates, or resembles any official traffic sign, signal or device (except actual traffic control devices installed by the appropriate authority);
  6. That is erected or maintained upon trees, utility poles, or painted or drawn upon rocks or other natural features;
  7. That is non-conforming and damaged or destroyed to an extent of more than 75% of the current fair market value as determined by the Chief Building Official and approved by the Building Board of Adjustments and Appeals using the procedures outlined in Section 102.4 as amended of the Standard Building Code;
  8. That prevents or obstructs or inhibits free ingress or egress from any doors, windows, or fire escapes or that are attached to a standpipe or fire escape; and
  9. Any signs not expressly permitted under this ordinance or exempt from regulation hereunder in accordance with the previous section are prohibited in the city. Such signs include, but are not limited to:
    - Beacons (except as temporary signs not interfering with traffic or aircraft safety);
    - Portable signs not staked as shown in Figure 4 (except as temporary signs);
    - Strings of lights not permanently mounted to a rigid background, except those exempt under previous sections
    - Signs attached to utility poles (except as informational to the operation or identification of the utility function); and
    - Inflatable signs and tethered balloons (except as temporary signs).

G. REMOVAL OF SIGNS IN VIOLATION OF THE ORDINANCE

1. All reasonable efforts will be made to notify a property owner of a sign in violation of this ordinance for their voluntary removal in a timely fashion.
2. If a property owner cannot be located or refuses to remove a sign in violation of this ordinance, the City may remove such sign and bill the property owner for reasonable recovery of time and costs associated with sign removal and disposal.

**12.07 Non-Conforming Signs** – Signs Existing on Effective Date of Ordinance Adoption.

For any sign existing in the city on January 16, 2002, an application for a non-conforming sign permit may be submitted to the Director of Planning prior to July 16, 2002. There will be no cost for this registration. For any sign on property annexed at a later date, applications for sign permits shall be submitted within six months of the effective date of the annexation.

These signs will be considered non-conforming and will not be required to be modified or otherwise come into compliance with regulations adopted here unless such non-conforming sign is damaged or destroyed to an extent more than 75% of the current fair market value as determined by the Chief Building Official.

Portable signs not properly secured according to Figure 4, in place at the time of ordinance adoption will have 30 days from date of approval to be secured as required or removed from the premises. No new portable signs without proper securing hardware will be allowed except on a temporary basis (as defined above).

A change in the information on the face of an existing non-conforming sign is allowed. However, any non-conforming sign shall either be eliminated or made to conform with the requirements of this Section when any proposed change, repair, or maintenance would constitute an expense of more than 75% of the current replacement value of the sign.

**12.08 Removal or Reduction of Non-Conforming Signs**

1. A property owner with non-conforming signage on the premise may not obtain any new signage permit unless a 15% reduction is achieved for the existing non-conforming sign.
2. If the non-conforming signage is removed, the owner of the premise will be entitled to a 10% increase in allowable on-premise signage.
3. No new construction permits greater than 33% of the cost of the existing improvements may be issued unless and until all signage on the lot is in conformance with this ordinance.

### **Section 12.09 Violations**

Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided by this ordinance under Section 19:

- A. To install, create, erect, or maintain any sign:
  - In a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located;
  - Requiring a permit without first obtaining such permit;
  - In such a way that is inconsistent with any plan or permit governing such sign or the lot on which sign is located;
- B. To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the sign permit has lapsed; or
- C. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this ordinance.

### **Section 12.10 Appeals**

Appeals to the conditions of the sign ordinance may be taken to the Zoning Board of Adjustments. A variance will be considered only if there is a hardship (other than monetary) that would result if the ordinance was fully enforced due to some condition or physical characteristic of the lot that makes it impossible to follow the ordinance through no fault of the property owner.

If an appeal is due to a permit denial, appeals shall be taken to the Construction Board of Adjustments and Appeals.

All appeals must be submitted in writing to the court within ten (10) days hereafter the filing of the decision in the office of the Board and not thereafter.