
CITY OF PORT LAVACA

MEETING: April 10, 2023

DATE: 4.6.2023

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: DERRICK SMITH, DEVELOPMENT SERVICES DIRECTOR

SUBJECT: PROPOSED EDITS TO SIGN ORDINANCE IN ANTICIPATION OF APPLYING FOR A SCENIC CITY CERTIFICATION

- Scenic Texas was inspired by the visionary leadership of first lady Lady Bird Johnson and is the only statewide 501(c)(3) non-profit organization dedicated to the preservation and enhancement of our state's visual environment. Scenic Texas. The organization helps Texans safeguard the scenic qualities of Texas roadways, countryside, and communities. One of their programs is the Scenic City Certification Program which recognizes and supports Texas municipalities that implement high-quality scenic standards for public spaces. Once a city is accepted into the program, there are resources available to help continue to improve ordinances and practices to sustain and improve scenic beauty.
- There are 3 mandatory requirements to even be considered: One, having to do with landscaping and the two below with signage that will be addressed in the following proposed edits detailed below.
 - 1) **Prohibit new off-premises signage (billboards).**
 - 2) **Permitting process and size, placement, and quantity requirements for on-premises signage.**

Definitions:

A-frame sign. A temporary, freestanding sign, consisting of two (2) message panels attached by a hinge or similar device along their top edge, which is placed on the ground with the base of each panel separated by a sufficient distance to allow the sign to stand upright without other support. For the purposes of this definition, A-frame signs include single message panels that are mounted on a wood or metal base which provides the stability and support necessary for the sign to stand upright without attachment to a structure.

Abandoned sign means a sign that has not been used for advertising for 180 days to identify or advertise a bona fide business, lessor, service, owner, product, or activity; and/or for which no legal owner can be found.

Advertise means promoting, identifying, or calling attention to a business, product, service, or activity, through use of words, symbols, figures, or similar means.

Building frontage means the length of an exterior building wall or structure of a single premises oriented to the public way or other properties it faces.

Building site means a lot or parcel of land in a single or joint ownership and occupied or to be occupied by a building or buildings, together with such open spaces as a required by the terms of this title and having its frontage on a public street, road, highway, or permanent means of access by way of City-approved public accessway or thoroughfare for vehicular or pedestrian travel.

Digital Sign means an on-premises sign or billboard on which the message or copy can be electronically changed by remote or automatic means. Such sign shall be considered an on-premises sign if all of the messages displayed on the sign relates to on-premises activities.

Face means the entire advertising area of a sign excluding framing, trim, or supporting structure.

Financing sign means a sign identifying a financial institution participating in the development of the property on which it is located.

Glare means an effect created when an illumination source shines with sufficient brightness to cause discomfort, distract attention, or lead to the reduction or loss of visibility or visual function of the public.

Monument sign means a freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick, and is not supported by a pole or poles.

Pennant Sign means any piece or series of similar pieces of lightweight plastic, fabric, or other material, whether or not containing a message of any kind attached to a structure, rope, wire, or string, designed to move in the wind and attract attention to a business, product, service, or activity. Structures that are erected for the sole purpose of erecting pennant signs or that are an integral part of any pennant sign shall not be allowed; all pennant signs shall be suspended from existing on-site structures having received prior approval of the Building Official.

Sign means any object, device, display, or part thereof, visible from a public street, which is used to advertise a business, product, service, or activity.

Temporary or portable sign means any sign that is not permanently attached to the ground or to a building, or that is not designed to be permanently attached to the ground or building, including, but not limited to torpedo signs, A-frame signs, inflatable device signs, wind-driven signs, real estate signs, temporary directional signs, promotional posters, banners, and political signs as herein defined.

Sec. 36-3. Requirements generally.

(k) All signs shall identify individual business, residential, and public use without creating confusion, unsightliness, or visual obscurity.

Sec. 36-4. Prohibited signs.

- (4) Off-premises signs, unless otherwise authorized by this ordinance;
- (5) Portable signs, unless otherwise authorized by this ordinance;
- (8) Roof signs
- (9) Signs made of cardboard; and
- (10) Abandoned signs

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Sec. 36-5. Permits.

- (a) Required. All signs shall require a building permit. It is an offense for any person to erect, construct, install, place, relocate, maintain or alter, within the City, any sign for which a Sign Permit is required without first obtaining a Sign Permit and paying the necessary fees.
- (i) A Sign Permit is not required for repair, repainting, or maintenance that does not entail structural or electrical change
- (b) Inspections required. All signs require inspection by the city prior to covering electrical work, if applicable, and at the completion of sign construction.

Sec. 36-6. On-premises signs.

- (4) The maximum allowable height shall not exceed 30 feet on state highway 35 and 20 feet elsewhere within the city limits.
- (d) Electronic Signs
 - (3) Such signs shall be on the same support structure as a freestanding sign. The maximum size shall be no larger than twenty-four (24) square feet.

Sec. 36-7. Temporary signs.

- (a) Construction signs
 - (3) One (1) construction sign may be used on a lot; corner lots are allowed one sign per street
 - (4) Permit not required
- (d) A-frame signs shall conform to the following:
 - (1) Placement. An approved A-frame sign shall conform to the following placement standards;
 - (i) Signs shall not be placed in parking spaces, pedestrian pathways, or bicycle paths, street corners, transit stop areas, ADA accessible curb ramps, ADA accessible parking spaces, at building exits or fire escapes, or any portion of the street (automobile and bicycle travel lanes, shoulder, medians, traffic islands, and parking areas).
 - (ii) The sign shall be located entirely outside of the area of a right-of-way corner that is between the curb and the lines created by extending the property line to the curb face. Signs placed within the right-of-way shall not obstruct traffic control signs or devices.
 - (2) Time limit. An approved A-frame sign shall only be placed within the working business hours of the business for which the sign is identifying.
 - (3) Permit not required
- (e) Banners, flags, pennants and inflatables shall conform to the following:
 - (1) Such signs shall be allowed for each calendar year.
 - (i) A new temporary sign permit application can be submitted for permitting after each calendar year.
 - (2) Such signs shall not be torn, tattered, ripped or faded.
 - (3) Such signs hung inside a place of business shall not constitute a sign

- (4) Such signs and inflatables shall not encroach any public right of way, shall not create a sight obstruction for vehicular or pedestrian traffic and shall not be attached to any public or franchised utility pole, support wire or tree.
- (5) One (1) banner sign and 1 inflatable may be used per place of business
- (6) One (1) pennant sign may be permitted each twenty-five 25 feet per lot frontage. The distance between pennants shall not be less than twenty-five (25) feet.
- (7) No more than one advertising flag shall be allowed on each lot on which flag is advertising
- (8) Permit required.

Sec. 36-8. Off premises signs.

Vehicle signs

- (a) No type of vehicle, including, but not limited to, cars, trucks, motor-driven cycles, or vehicles built of miscellaneous parts of other vehicles, such as sand or dune buggies, and no type of trailer, boat, or other similar type of property shall be placed on private property within the city for the purpose of advertising such item for rent, sale, or lease.
- (b) A motor vehicle not used on a regular basis for the transportation of persons or property, or that is inoperable, shall not be parked or stored with one or more signs displayed thereon or otherwise used as a substitute sign structure.
- (c) Any vehicle containing advertising must be parked in an approved parking space. Any such vehicle is prohibited from otherwise being parked upon any public rights-of-way, including, but not limited to, public sidewalks, streets, alleys, or other public property, with one or more signs displayed thereon or otherwise used as a substitute sign structure.
- (d) No person shall operate or park a vehicle on a street nor shall the owner of a vehicle permit the vehicle to be operated or parked on a street for the primary purpose of advertising.

Sec. 36-9. Penalty

- a. *Criminal.* Any person who shall violate any provision of this article, or fail to comply with any of the requirements of this article, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued, and upon conviction of any such violation such person shall be punished by a fine of up to five hundred dollars (\$500.00).
- b. *Civil.* The city may file a civil action in the district court seeking an injunction and civil penalties of up to one thousand dollars (\$1,000.00) per day for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued.

State Law reference— Enforcement of municipal ordinances, V.T.C.A., Local Government Code Chapter 54.

Attachments:

- Proposed Chapter 36- SIGNS ordinance