

**AGENDA – WORKSHOP OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, JANUARY 28, 2013, AT 6:00 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

**I. CALL TO ORDER**

**II. PURPOSE OF THE WORKSHOP:**

- 1. COUNCIL INPUT AND DISCUSSION:** REGARDING THE ROADWAY ALIGNMENT STUDIES FOR DIXIE FARM ROAD AND PEARLAND PARKWAY. *Mr. Trent Epperson, Director of Engineering and Capital Projects.*
- 2. COUNCIL INPUT AND DISCUSSION:** REGARDING THE CITY SIGN ORDINANCE. *City Council.*

**III. ADJOURNMENT**

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing at 281-652-1840 prior to the meeting so that appropriate arrangements can be made.

# Workshop Item No. 1

1. **COUNCIL INPUT AND DISCUSSION:** REGARDING THE ROADWAY ALIGNMENT STUDIES FOR DIXIE FARM ROAD AND PEARLAND PARKWAY. *Mr. Trent Epperson, Director of Engineering and Capital Projects.*

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF:</b> January 28, 2013	<b>ITEM NO.:</b> Workshop Item No. 1
<b>DATE SUBMITTED:</b> January 18, 2013	<b>DEPARTMENT OF ORIGIN:</b> E & CP
<b>PREPARED BY:</b> Trent Epperson	<b>PRESENTOR:</b> Trent Epperson
<b>REVIEWED BY:</b> Mike Hodge	<b>REVIEW DATE:</b> January 21, 2013
<b>SUBJECT:</b> Roadway Alignment Studies for Dixie Farm Road and Pearland Parkway	
<b>EXHIBITS:</b> None	
<b>EXPENDITURE REQUIRED:</b> \$NA <b>AMOUNT AVAILABLE:</b> \$NA <b>ACCOUNT NO.:</b> NA	<b>AMOUNT BUDGETED:</b> \$NA <b>PROJECT NO.:</b> NA
<b>ADDITIONAL APPROPRIATION REQUIRED:</b> <b>ACCOUNT NO.:</b> <b>PROJECT NO.:</b>	
<b>To be completed by Department:</b> <input type="checkbox"/> Finance <input type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

**EXECUTIVE SUMMARY**

In 2010/2011, staff completed alignment studies for Dixie Farm Road between SH35 and Veterans Drive and for Pearland Parkway between Dixie Farm Road and FM2351. The studies were undertaken with the intent to incorporate the alignments into the City's Thoroughfare Plan. This workshop will present the resulting road alignments that are recommended to be adopted into the Thoroughfare Plan.

**RECOMMENDED ACTION**

Conduct the workshop.

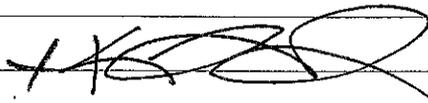
# Workshop Item No. 2

2. **COUNCIL INPUT AND DISCUSSION: REGARDING THE CITY SIGN ORDINANCE.** *City Council.*

Jan. 14, 2013

Please incorporate  
into our agenda, at  
a time convenient,  
a workshop item  
to discuss the  
City's sign  
ordinance.

x G. Hill





# CITY OF PEARLAND *PLANNING & ZONING*

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## MEMO

**DATE:** January 22, 2013

**TO:** City Council

**FROM:** Lata Krishnarao, AICP, Director of Community Services

**SUBJECT:** Information regarding signage for Council workshop of January 28, 2013

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Please find attached an Agenda Request that was prepared for a previous workshop held on October 3, 2011, to discuss amendments to the electronic signage regulations, among others. Also attached is a power point presentation that was presented at that time.

The changes were recommended by members of the Pearland Chamber of Commerce. The City Council and P & Z Commission decided not to proceed with any changes at that time. Since then, based on council directive, staff has been conducting annual inspections to assist businesses in complying with the current regulations.

Staff will be happy to answer questions or provide additional information.

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF:</b> October 3, 2011	<b>ITEM NO.:</b>
<b>DATE SUBMITTED:</b> September 22, 2011	<b>DEPT. OF ORIGIN:</b> Planning
<b>PREPARED BY:</b> Lata Krishnarao	<b>PRESENTOR:</b> Lata Krishnarao
<b>REVIEWED BY:</b>	<b>REVIEW DATE:</b>
<b>SUBJECT: Unified Development Code (UDC)– Amendment T-14 – Signage and Tree Mitigation</b>	
<b>EXHIBITS:</b>	
<b>EXPENDITURE REQUIRED:</b> N/A	<b>AMOUNT BUDGETED:</b> N/A
<b>AMOUNT AVAILABLE:</b> N/A	<b>PROJECT NO.:</b> N/A
<b>ACCOUNT NO.:</b> N/A	
<b>ADDITIONAL APPROPRIATION REQUIRED:</b> N/A	
<b>ACCOUNT NO.:</b> N/A	
<b>PROJECT NO.:</b> N/A	
<b>To be completed by Department:</b>	
<input type="checkbox"/> Finance	<input type="checkbox"/> Legal
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution

**EXECUTIVE SUMMARY**

The purpose of this workshop is to the review proposed changes to the Unified Development Code (UDC), specifically to the sections pertaining to signage and tree mitigation.

Chamber of Commerce members have identified two areas in the current sign regulations which they would like to see modified.

Changes to the Tree Mitigation section is an update to incorporate the changes to the city ordinance approved by the city council in November of 2009.

These changes are discussed in detail below.

### **Section 4.2.5.4.9(a) (b) (6)-Regarding Electronic Changeable Message Sign**

This proposal is to:

- a. Shorten the length of time that an electronic sign has to remain static, from 6 seconds to 2 seconds.
- b. Remove the restriction that the flashing display is limited to one color and limited to white, gold, red, blue, or green.

The reason the length of static time is regulated is to ensure that these signs do not cause distraction to drivers and negatively affect safety on the streets, and to maintain the community character desired by the residents.

If the council desires to approve these amendments, then staff would recommend that there be no restriction on the length of time for static display. Two second display would be very close to a continuous animated display, and difficult to enforce.

A quick wind shield survey performed on October 22, 2011 revealed that 13 out of 28 electronic signs along Broadway, from Kirby Road to Liberty Drive, were not in conformance with the 6 second rule, and 6 were not in conformance with the single color requirement.

Staff will present some examples at the workshop.

#### **Proposed Changes by the Chamber:**

Additions in red, deletions in red and strikeouts.

#### **Section 4.2.5.3 On-Premise Ground Signs**

**(b) (7) Electronic Changeable Message Sign:** An electronic changeable message sign that conforms to the size and locational requirements of this Section shall be permitted with adherence the following:

- a. Each message displayed on an electronic changeable message sign must be static or depicted for a minimum of ~~six (6)~~ two (2) seconds. The scrolling of messages is permitted, but must also conform to the minimum of ~~six (6)~~ two (2) seconds static display. **Continuous animation (i.e. commercial) is prohibited**
- b. The flashing display (i.e., changeable message) portion shall not exceed twenty-five (25) percent of the total allowable effective sign area.
- c. The flashing display (i.e., changeable message) portion **may contain any number of colors. shall be limited to one (1) color and shall be limited to white, gold, yellow, red, blue, or green. The Planning Director shall determine whether proposed colors conform to these colors. Color displays must stay within the allowable display area.**
- d. The addition of any flashing display (i.e., changeable message) to any nonconforming sign is prohibited.

**Section 4.2.5.1 and 4.2.5.5 Regarding Signs Attached to a Mobile Structure, such as a Vehicle or Trailer**

This proposal is to permit temporary signs attached to a vehicle or trailer used as an on-premise or off-premise sign, primarily for the purpose of serving as a static display for the advertisement of the sale, storage, or distribution of a product or service, with the following conditions listed below. Currently this is prohibited.

- a. Shall not be electrified or be illuminated.
- b. Shall not obstruct any other business or permanent signage.
- c. Shall not obstruct or interfere with roadway traffic
- d. Shall not exceed 50 sq. feet in size.
- e. Shall not be offensive or graphic in nature per community standards.
- f. Shall be securely mounted or attached to vehicle to prevent from blowing out.
- g. Shall be located on same business property and within 200 feet of the business.

The UDC permits permanent ground signs for each development, to enable businesses to advertise. The location of the ground sign, as guided by the UDC, is to ensure that these signs are clearly visible, do not obstruct sight distances, are aesthetically pleasing, and do not cause visual clutter.

Multi tenant signs are permitted every 600 feet on city roads, with a maximum height of 15' and area of 150 square feet. Single tenant signs are permitted on parcels with street frontage, not to exceed 8' in height, and 30-100 square feet in area, depending on the zone.

Staff is concerned about this proposed change for a number of reasons. Since these signs are mobile, it will be difficult to monitor their location to ensure that these signs do not obstruct any other business or permanent signage or obstruct sight distances. If a number of businesses in a shopping center start using this temporary means to advertise on site, the effectiveness of permanent signage will be compromised, and these signs will add clutter that may be visually detrimental to the community. Further, restrictions such as display during business hours, a maximum of 12 hours per day, and to 50 times annually, would be difficult to monitor and enforce.

Staff is also concerned about the proposed size (50 square feet), which is larger than free standing signs permitted in some zones, and lack of any height restriction.

**Proposed Changes by the Chamber:**

Additions in red, deletions in red and strikeouts.

**Sections 4.2.5.5 and 4.2.5.1**

**Section 4.2.5.3 On-Premise Ground Signs**

(c) **Prohibited Signs.** The following signs are expressly prohibited:

- (1) Signs having any visible part that moves, swings or rotates, except for banners and flags and swinging signs up to ten square feet in area constructed of rigid material hanging by hinges or other flexible connection.
- (2) Signs emitting odor, visible matter or audible sound.
- (3) Permanent portable signs (temporary portable signs are regulated by Section 4.2.5.5).
- (4) Inflatable signs and balloons, except as allowed in Section 4.2.5.5.
- (5) Portable signs.
- (6) Signs attached to a mobile structure, such as a vehicle or trailer used as an on-premise or off-premise sign, primarily for the purpose of serving as a static display for the advertisement of the sale, storage, or distribution of a product or service, **except as provided in Section 4.2.5.5.**
- (7) Signs, papers, other materials, or paint, stenciling, or writing of any name, number (except house numbers), or other marking on any sidewalk, curb, gutter, street, utility pole, trees, public building, fence or structure unless authorized by this UDC.
- (8) Signs illuminated to any intensity greater than two hundred (200) lamberts. The restrictions of luminance shall be determined from any other premise or from any public right-of-way other than an alley. Lights shall be shielded to prevent the source of lighting from being directly visible from residential property.
- (9) Sign, or any portion thereof, erected upon or over public right of way or public property, except as specifically authorized by this UDC. Unauthorized signs located upon or over public rights of way or public property may be immediately removed by the City Building Official or designee.
- (10) Signs and advertising devices which move, flash, rotate, blink, change color, or are animated; or have any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, scrolling or changing message by means of lights or illumination are prohibited except as provided in Section 4.2.5.3.
- (11) Signs and advertising devices which produce noises discernible from more than one hundred fifty feet (150').
- (12) Signs in a floodway zone without the approval of the Floodplain Administrator or designee.
- (13) Off-premise signs, unless erected as part of a City-adopted signage program or specifically authorized by this UDC.
- (14) Signs containing statements, words, or pictures of an obscene, indecent, or immoral character that would offend public morals or decency.
- (15) Signs placed on the side or rear of any building or property when such signs face upon a contiguous residential area.

(16) Signs containing or having attached thereto banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices, except in accordance with Section 4.2.5.5.

### **Section 4.2.5.5 Temporary Signs**

**(d) Other Temporary Signs.** The following signs shall be allowed, subject to any conditions set forth below.

(1) Temporary window signs: These signs must be temporary in design and construction, such as paper, poster, mylar or similar plastic film, or painted with removable paint; may not exceed in coverage twenty-five percent (25%) of all windows combined or fifty percent (50%) of any one window; must be placed inside the business establishment and be professional in appearance, except for temporary signs not promoting a business but rather associated with a nonprofit, neighborhood, or civic event; and may not be displayed for more than forty-five (45) days.

(2) Holiday inflatable signs or decorations: Holiday-related inflatables that contain no business-related advertising, including without limitation balloons, decorations, and yard displays, shall not exceed twelve feet (12') in any dimension and may not be displayed so that the top of the inflatable is greater than: fifteen feet (15') from the ground on a residential lot; or the maximum structure height allowed in the zoning district on a nonresidential lot. The continuous display period of this type of sign shall not exceed thirty (30) days, with no more than five (5) display periods per calendar year.

(3) Off-premise special events signs: Signs advertising a special event sponsored by a non-profit organization, charitable group, or civic club may be placed offpremises of where said event is to take place shall be allowed subject to the following conditions:

- a. The signs may not be displayed more than fourteen (14) days before, or five (5) days after, the event.
- b. No more than ten signs not exceeding six feet (6') in height or thirty-two square feet (32 ft<sup>2</sup>) in area per sign face are allowed within the City's limits, limited to one per street frontage. These signs shall be exempt from sign permit fees.
- c. There is no quantity limit on signs not exceeding three and a half feet (3.5') in height or five square feet (5 ft<sup>2</sup>) in area per sign face, except only one is allowed per lot.

(4) Signs attached to a mobile structure, such as a vehicle or trailer used as an onpremise or off-premise sign, primarily for the purpose of serving as a static display for the advertisement of the sale, storage, or distribution of a product or service with the following conditions;

- a. Shall not be electrified or be illuminated.
- b. Shall not obstruct any other business or permanent signage.
- c. Shall not obstruct or interfere with roadway traffic
- d. Shall not exceed 50 sq. feet in size.

- e. Shall not be offensive or graphic in nature per community standards.
- f. Shall be securely mounted or attached to vehicle to prevent from blowing out.
- g. Shall be located on same business property and within 200 feet of the business.
- h. Can be displayed only during business hours and a maximum 12 hours per day.
- i. Temporary banner / sign may be displayed up to 50 times annually.

**Addition of Sections 4.2.3.11 and 4.2.3.12 Regarding Care of Public Trees and Tree Inventory and Management Plan**

The City passed the Tree Ordinance (Ord. 1108) in 2003. In 2006, with the adoption of the Unified Development Code, the Land Use and Urban Development Ordinance, the Tree Ordinance, and the Subdivision Ordinance were incorporated into one document. . The City Council, in December of 2009 approved amendments to Section 29 ½ - 31 of the City Code, regarding Care of Public Trees, to expedite approval and not go through the longer UDC process. These amendments were required to meet the standards of the Tree City USA program in regards to management of public trees.

This current UDC amendment is being proposed to reflect the change to the City Code and ensure that the requirements in the UDC mirror those in the City Code.

**Proposed Changes:**

Additions in red.

**Add**

**Section 4.2.3.11 Care of Public Trees**

- (a) The Director of Parks and Recreation and/or his designee is hereby authorized to plant, prune, maintain, and remove trees, plants, and shrubs within the public right-of-way of all streets, alleys, avenues, lanes, squares, parks, and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- (b) Any person wishing to plant or remove a tree on public property or in a public right-of-way (hereinafter referred to as a public tree) shall seek prior written approval from the Director or his designee. Any tree planted or damaged in violation of this section may be corrected at the person's expense.
- (c) It shall be unlawful for any person without authorization from the city to:
  - (1) Place, maintain, or permit a tree or plant to obstruct a public way or otherwise prevent or hinder public use of public property;
  - (2) Attach any cable, wire, rope, sign or any other thing to a public tree;
  - (3) Plant, transplant, remove, paint or spray any tree, plant or shrub on any public property;

- (4) Damage, cut, or carve any public tree;
- (5) Recklessly cause or allow a harmful substance to contact a public tree;
- (6) Store harmful material within the dripline of a public tree;
- (7) Set fire to a public tree or recklessly permit a fire to burn that could damage a public tree;
- (8) Place or store an impervious cover or material that impedes the passage of water, air, or nutrients to the roots of a public tree; or
- (9) Park heavy equipment within the drip line of public trees, except on paved surfaces.

(d) The city may seek damages against any person causing injury or destruction of a public tree, including but not limited to the costs for treatment or removal and replacement of the tree, and/or any loss of tree value.

#### **Section 4.2.3.12 Tree Inventory and Management Plan**

(a) An inventory shall be maintained on all public trees to include medians, right-of-ways, parks and public buildings. This inventory shall consist of genus/species, common name, location, size(DBH, Ht,& Crown), general health or condition, the type/date of the last maintenance accomplished as well as scheduled maintenance. The director or his designee shall use this inventory in developing and/or updating any plan to plant and maintain trees on public property.

(b) General health or condition will be rated by a point system developed by the USDA Community Trees. Ratings will be based on; Probability of failure 1-4 points, Size of defective parts 1-3 points, Probability of target impact 1-3 points, and an optional subjective risk rating 0-2 points in accordance with the guide codes for the USDA Community Trees. Any tree with a risk/hazard rating of 8 or more will receive immediate corrective action.

(c) Protection and Mitigation: The protection and mitigation requirements of this ordinance and found in the Unified Development Code shall apply to all public trees. No mitigation shall be required for any tree removed due to a high risk/hazard rating or disease.

#### **STAFF RECOMMENDATION**

Conduct the workshop.

# Mobile and Electronic Signs

What Does the Code Say?

- Signs may not be located on a vehicle unless the vehicle is an essential part of the advertised business.
  - For example, a Florist who has a delivery van, may advertise on the vehicle and park the vehicle in the parking lot while not in use
  - A business that would not normally require a vehicle for its operation, may not park a vehicle in front of their business with signage.

## Mobile Signs

- **(c) Prohibited Signs.** The following signs are expressly prohibited:
  - (6) Signs attached to a mobile structure, such as a vehicle or trailer used as an on-premise or off-premise sign, primarily for the purpose of serving as a static display for the advertisement of the sale, storage, or distribution of a product or service.

**UDC Section 4.2.5.1**



← This would be permitted to be parked on premise.

A truck like this would not be permitted for signage purposes. →



# Examples

- (c) **Prohibited Signs.** The following signs are expressly prohibited:
  - (10) Signs and advertising devices which move, flash, rotate, blink, change color, or are animated; or have any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, scrolling or changing message by means of lights or illumination are prohibited except as provided in Section 4.2.5.3.
  - (16) Signs containing or having attached thereto banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices, except in accordance with Section 4.2.5.5.

## **UDC Section 4.2.5.1**

### **Prohibited Signs**

- Certain Electronic Changeable Message Signs are permitted with the following restrictions.

## **LED Changeable Message Signs**

- (6) Electronic Changeable Message Sign: An electronic changeable message sign that conforms to the size and locational requirements of this section shall be permitted with adherence with the following:
  - a. Each message displayed on an electronic changeable message sign must be static or depicted for a minimum of **six (6) seconds**. The scrolling of messages is permitted, but must also conform to the minimum of six (6) second display.
  - b. The flashing display (i.e., changeable message) portion shall not exceed **twenty five (25) percent** of the total allowable effective sign area.
  - c. The flashing display (i.e., changeable message) portion shall be limited to **one (1) color**, and shall be limited to white, gold, yellow, red, blue, or green. The Planning Director shall determine whether proposed colors conform to these colors.
  - d. The addition of any flashing display (i.e., changeable message) to any nonconforming sign is prohibited.

## UDC Section 4.2.5.4

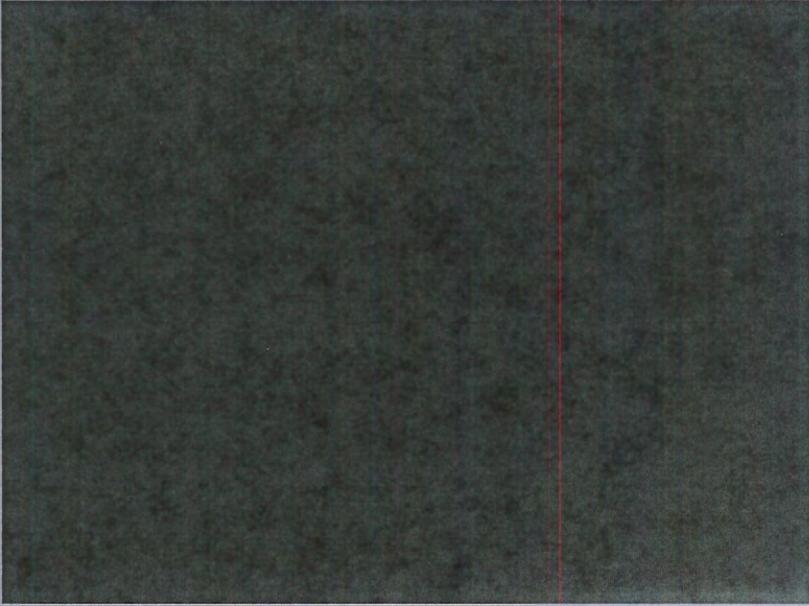


← One Color Display,  
Permitted

Full Color Display, Not  
Permitted →

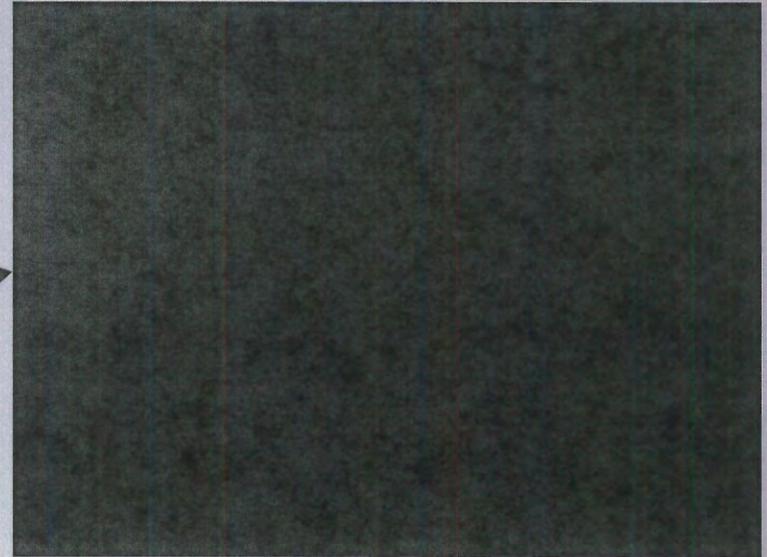


**Examples**



← Meets the 6 second static display requirement but blinks at the end

Scroll is too fast, and sign exceeds the 25% size requirement →



## Examples

- Resembling gigantic plasma-screen televisions along our roadsides, digital/LED (light-emitting diode) billboards are extremely bright – actually brighter than the sun during the day and stunningly bright at night. Because these billboards are so bright, they capture the driver's attention from much farther away than regular signs. Equally dangerous, the digital billboard's changing messages hold and divert the driver's attention from the road as he drives closer.
- A recent safety study by the National Highway Transportation Safety Administration (NHTSA) on distractions occurring inside the car found that driver distractions of two or more seconds are unsafe.

## **LED Signs May Be Dangerous**

- 3.2 Banned signage: All wind devices, roof signs and *portable signs*.
- 3.3 Restricted digital signage: All electronic changeable message (digital) signs should be banned outright or restricted to special districts within city limits.
- 3.4 If digital signs are allowed, clearly-stated regulations must strictly limit size, height, and brightness of such signs, *and prohibit moving images and frequent rotation of fixed images on such signs*. Regulations written so that signs are designed to be in context with the natural and built environment.

## Scenic City Requirements

- **Sugar Land, TX**

- **Sec. 4-4. Prohibited Signs.**

- It is unlawful for any person to erect, install, construct, display, maintain, reconstruct, place, locate, relocate or make use of any of the following Signs for Advertising purposes:
  - 
  - (2) *Portable Signs.*
  - (9) Signs, illuminated from within or without, which:
    - a. Are illuminated to such intensity or without proper shielding so as to constitute a hazard to the operation of motor vehicles upon a public Street or substantially interfere with the reasonable enjoyment of residential property; or
    - b. *Have any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, traveling or changing message by means of lights or illumination.*

**Other Cities**

- **Missouri City, TX**
- **13.5. - Prohibited signs.**
- The following signs or types of signs are prohibited:
  - H. *Portable or wheeled signs.*
  - I. *Signs with flashing, blinking, or traveling lights or messages.*

**Other Cities**

- **League City, TX**

- **Sec. 90-145. - Portable signs.**

- (a) *Prohibited signs. It shall be unlawful for any person to erect, structurally alter or relocate within the city any portable sign*, except as provided in subsection (b) of this section.

- (b) *Exceptions.*

- (1) One portable sign may be displayed by a new business to give notice of its grand opening for a period not to exceed 14 consecutive days.

- (2) One portable sign may be displayed on nonresidential property, in addition to that allowed for grand openings, for 21 days during each calendar year; provided, however, use of such portable signs shall be in increments of seven consecutive days.

- (c) *Permit; compliance with other regulations.* A permit shall be obtained prior to installation and display of a portable sign, and use of a portable sign shall comply with all other provisions of this chapter where applicable.

- **Sec. 90-142. - Spectacular signs (LED Signs).**

- *It shall be unlawful for any person to erect, alter or relocate within the city any spectacular sign, with the exception that public service displays shall not be prohibited by this section.*

## Other Cities

- **Section 4.2.5.3 On-Premise Ground Signs**

- (7) Electronic Changeable Message Sign: An electronic changeable message sign that conforms to the size and locational requirements of this Section shall be permitted with adherence the following:
  - a. Each message displayed on an electronic changeable message sign must be static or depicted for a minimum of ~~six (6)~~ two (2) seconds. The scrolling of messages is permitted, but must also conform to the minimum of ~~six (6)~~ two (2) seconds static display. ~~Continuous animation (i.e. commercial) is prohibited~~
  - b. The flashing display (i.e., changeable message) portion shall not exceed twenty-five (25) percent of the total allowable effective sign area.
  - c. The flashing display (i.e., changeable message) portion ~~may contain any number of colors. shall be limited to one (1) color and shall be limited to white, gold, yellow, red, blue, or green. The Planning Director shall determine whether proposed colors conform to these colors.~~ Color displays must stay within the allowable display area.
  - d. The addition of any flashing display (i.e., changeable message) to any nonconforming sign is prohibited.

**Proposed Changes to the UDC**

- **Section 4.2.5.5 Temporary Signs**

- (4) Signs attached to a mobile structure, such as a vehicle or trailer used as an on premise or off-premise sign, primarily for the purpose of serving as a static display for the advertisement of the sale, storage, or distribution of a product or service with the following conditions;
  - a. Shall not be electrified or be illuminated.
  - b. Shall not obstruct any other business or permanent signage.
  - c. Shall not obstruct or interfere with roadway traffic
  - d. Shall not exceed 50 sq. feet in size.
  - e. Shall not be offensive or graphic in nature per community standards.
  - f. Shall be securely mounted or attached to vehicle to prevent from blowing out.
  - g. Shall be located on same business property and within 200 feet of the business.
  - h. Can be displayed only during business hours and a maximum 12 hours per day.
  - i. Temporary banner / sign may be displayed up to 50 times annually.

**Proposed Changes to the UDC**

# Mobile and Electronic Signs

What Does the Code Say?

- Signs may not be located on a vehicle unless the vehicle is an essential part of the advertised business.
  - For example, a Florist who has a delivery van, may advertise on the vehicle and park the vehicle in the parking lot while not in use
  - A business that would not normally require a vehicle for its operation, may not park a vehicle in front of their business with signage.

## Mobile Signs

- **(c) Prohibited Signs.** The following signs are expressly prohibited:
  - (6) Signs attached to a mobile structure, such as a vehicle or trailer used as an on-premise or off-premise sign, primarily for the purpose of serving as a static display for the advertisement of the sale, storage, or distribution of a product or service.

**UDC Section 4.2.5.1**



← This would be permitted to be parked on premise.

A truck like this would not be permitted for signage purposes. →



# Examples

- (c) **Prohibited Signs.** The following signs are expressly prohibited:
  - (10) Signs and advertising devices which move, flash, rotate, blink, change color, or are animated; or have any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, scrolling or changing message by means of lights or illumination are prohibited except as provided in Section 4.2.5.3.
  - (16) Signs containing or having attached thereto banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices, except in accordance with Section 4.2.5.5.

## **UDC Section 4.2.5.1**

### **Prohibited Signs**

- Certain Electronic Changeable Message Signs are permitted with the following restrictions.

## **LED Changeable Message Signs**

- (6) Electronic Changeable Message Sign: An electronic changeable message sign that conforms to the size and locational requirements of this section shall be permitted with adherence with the following:
  - a. Each message displayed on an electronic changeable message sign must be static or depicted for a minimum of **six (6) seconds**. The scrolling of messages is permitted, but must also conform to the minimum of six (6) second display.
  - b. The flashing display (i.e., changeable message) portion shall not exceed **twenty five (25) percent** of the total allowable effective sign area.
  - c. The flashing display (i.e., changeable message) portion shall be limited to **one (1) color**, and shall be limited to white, gold, yellow, red, blue, or green. The Planning Director shall determine whether proposed colors conform to these colors.
  - d. The addition of any flashing display (i.e., changeable message) to any nonconforming sign is prohibited.

## UDC Section 4.2.5.4

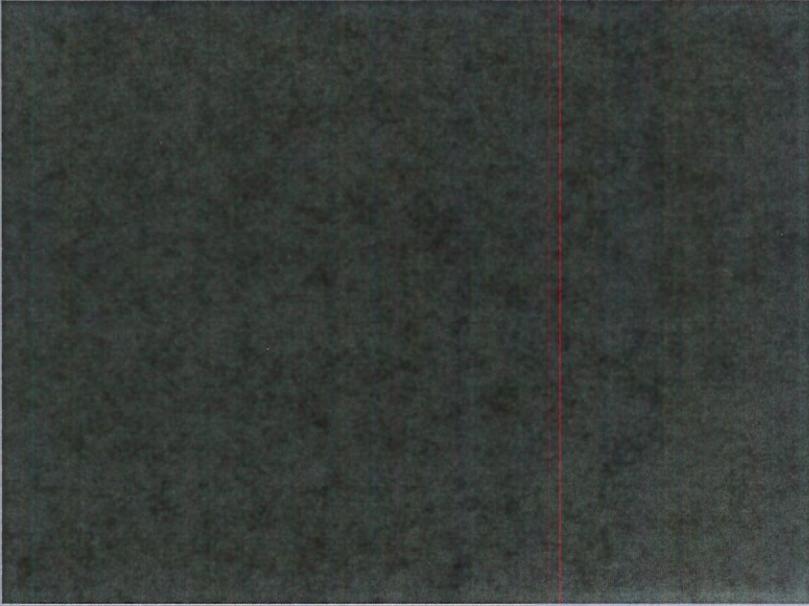


← One Color Display,  
Permitted

Full Color Display, Not  
Permitted →

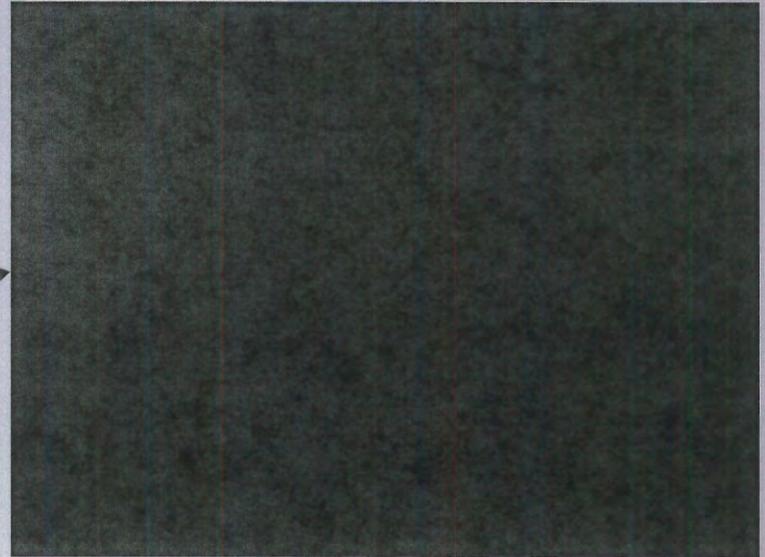


**Examples**



← Meets the 6 second static display requirement but blinks at the end

Scroll is too fast, and sign exceeds the 25% size requirement →



## Examples

- Resembling gigantic plasma-screen televisions along our roadsides, digital/LED (light-emitting diode) billboards are extremely bright – actually brighter than the sun during the day and stunningly bright at night. Because these billboards are so bright, they capture the driver's attention from much farther away than regular signs. Equally dangerous, the digital billboard's changing messages hold and divert the driver's attention from the road as he drives closer.
- A recent safety study by the National Highway Transportation Safety Administration (NHTSA) on distractions occurring inside the car found that driver distractions of two or more seconds are unsafe.

## **LED Signs May Be Dangerous**

- 3.2 Banned signage: All wind devices, roof signs and *portable signs*.
- 3.3 Restricted digital signage: All electronic changeable message (digital) signs should be banned outright or restricted to special districts within city limits.
- 3.4 If digital signs are allowed, clearly-stated regulations must strictly limit size, height, and brightness of such signs, *and prohibit moving images and frequent rotation of fixed images on such signs*. Regulations written so that signs are designed to be in context with the natural and built environment.

## Scenic City Requirements

- **Sugar Land, TX**

- **Sec. 4-4. Prohibited Signs.**

- It is unlawful for any person to erect, install, construct, display, maintain, reconstruct, place, locate, relocate or make use of any of the following Signs for Advertising purposes:
  - 
  - (2) *Portable Signs.*
  - (9) Signs, illuminated from within or without, which:
    - a. Are illuminated to such intensity or without proper shielding so as to constitute a hazard to the operation of motor vehicles upon a public Street or substantially interfere with the reasonable enjoyment of residential property; or
    - b. *Have any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, traveling or changing message by means of lights or illumination.*

**Other Cities**

- **Missouri City, TX**
- **13.5. - Prohibited signs.**
- The following signs or types of signs are prohibited:
  - H. *Portable or wheeled signs.*
  - I. *Signs with flashing, blinking, or traveling lights or messages.*

**Other Cities**

- **League City, TX**

- **Sec. 90-145. - Portable signs.**

- (a) *Prohibited signs.* *It shall be unlawful for any person to erect, structurally alter or relocate within the city any portable sign*, except as provided in subsection (b) of this section.

- (b) *Exceptions.*

- (1) One portable sign may be displayed by a new business to give notice of its grand opening for a period not to exceed 14 consecutive days.

- (2) One portable sign may be displayed on nonresidential property, in addition to that allowed for grand openings, for 21 days during each calendar year; provided, however, use of such portable signs shall be in increments of seven consecutive days.

- (c) *Permit; compliance with other regulations.* A permit shall be obtained prior to installation and display of a portable sign, and use of a portable sign shall comply with all other provisions of this chapter where applicable.

- **Sec. 90-142. - Spectacular signs (LED Signs).**

- *It shall be unlawful for any person to erect, alter or relocate within the city any spectacular sign, with the exception that public service displays shall not be prohibited by this section.*

## Other Cities

- **Section 4.2.5.3 On-Premise Ground Signs**

- (7) Electronic Changeable Message Sign: An electronic changeable message sign that conforms to the size and locational requirements of this Section shall be permitted with adherence the following:

- a. Each message displayed on an electronic changeable message sign must be static or depicted for a minimum of ~~six (6)~~ two (2) seconds. The scrolling of messages is permitted, but must also conform to the minimum of ~~six (6)~~ two (2) seconds static display. ~~Continuous animation (i.e. commercial) is prohibited~~
- b. The flashing display (i.e., changeable message) portion shall not exceed twenty-five (25) percent of the total allowable effective sign area.
- c. The flashing display (i.e., changeable message) portion ~~may contain any number of colors. shall be limited to one (1) color and shall be limited to white, gold, yellow, red, blue, or green. The Planning Director shall determine whether proposed colors conform to these colors.~~ Color displays must stay within the allowable display area.
- d. The addition of any flashing display (i.e., changeable message) to any nonconforming sign is prohibited.

**Proposed Changes to the UDC**

- **Section 4.2.5.5 Temporary Signs**

- (4) Signs attached to a mobile structure, such as a vehicle or trailer used as an on premise or off-premise sign, primarily for the purpose of serving as a static display for the advertisement of the sale, storage, or distribution of a product or service with the following conditions;
  - a. Shall not be electrified or be illuminated.
  - b. Shall not obstruct any other business or permanent signage.
  - c. Shall not obstruct or interfere with roadway traffic
  - d. Shall not exceed 50 sq. feet in size.
  - e. Shall not be offensive or graphic in nature per community standards.
  - f. Shall be securely mounted or attached to vehicle to prevent from blowing out.
  - g. Shall be located on same business property and within 200 feet of the business.
  - h. Can be displayed only during business hours and a maximum 12 hours per day.
  - i. Temporary banner / sign may be displayed up to 50 times annually.

**Proposed Changes to the UDC**

# LED Sign Violations Action Log

January 2012

Business	Number	Street	Violation	Violation/Insp action Date	Initial Contact	Action	Date Letter Sent
Kings Biergarten	1329	Broadway	Scrolling	10/24/2011	Yes	Letter Sent	12/7/2011
Fellowship Bible Church	1720	Broadway	Scrolling/Colors	10/24/2011	Yes	Letter Sent	12/7/2011
First Church	1850	Broadway	Colors	10/24/2011	Yes	Letter Sent	12/7/2011
Private Mini Storage	1919	Broadway	Scrolling/Blinking	10/24/2011	No	Letter Sent	12/7/2011
Country Club Plaza	2540	Broadway	Scrolling	10/24/2011	No	Letter Sent	12/7/2011
First United Methodist	2314	Grand	Scrolling	10/24/2011	No	Letter Sent	12/7/2011
Texas First Bank	2343	Main	Scrolling	10/24/2011	Yes	Letter Sent	12/7/2011
Progressive	4901	Broadway	Blnks/Flashes	10/25/2011	No	Letter Sent	12/7/2011
Frost Bank	5208	Broadway	Flashes	10/25/2011	No	Letter Sent	12/7/2011
Accent Dental	6915	Broadway	Colors	10/25/2011	Yes	Letter Sent	12/7/2011
Jiffy Lube	8525	Broadway	Scrolling/Blinking	10/25/2011	No	Letter Sent	12/7/2011
JSC Federal Credit Union	9101	Broadway	Scrolling/Colors	10/25/2011	No	Letter Sent	12/7/2011
Broadway Plaza	6200	Broadway	Flashes	10/25/2011	No	Letter Sent	12/7/2011
Lions Club	3305	Main	Scrolling	11/2/2011	No	Letter Sent	12/7/2011
Private Mini Storage	1525	Main	Scrolling	10/24/2011	No	Letter Sent	12/7/2011
Pearmain Storage	1416	Main	Scrolling	10/24/2011	No	Letter Sent	12/7/2011
Air Specialists	1323	Main	Scrolling	10/24/2011	No	Letter Sent	12/7/2011
Heritage Bank	1850	Pearland P.	Colors	1/9/2012	No	Letter Sent	1/11/2012
Broadway West Storage	10401	Broadway	Flashes/Colors	1/12/2012	No	Letter Sent	1/23/2012
Smart Stop Storage	9809	Broadway	Flashes/Colors	1/12/2012	No	Letter Sent	1/23/2012
Private Mini Storage	8206	Broadway	Flashes/Colors	1/12/2012	No	Letter Sent	1/23/2012
City Natatorium	4141	Bailey	Flashes	1/25/2012	Yes	Email	1/26/2012

Contact Person	15 Day Inspection	Result	Inspection 1/9/12 Ongoing	Further Action	Date
Hans 832 569-4141	12/28/2011	Uncorrected	Uncorrected	NOV	01/11/2012
	12/28/2011	Uncorrected	Uncorrected	NOV	01/11/2012
	12/28/2011	Uncorrected	Uncorrected	NOV	01/11/2012
	12/28/2011	Uncorrected	Uncorrected	NOV	01/11/2012
Ferina 281-484-1111	12/28/2011	Corrected	Corrected		
Lori 281-485 1466	12/28/2011	Corrected	Corrected		
	12/28/2011	Uncorrected	Uncorrected	NOV	01/11/2012
Scott 281-485-7283	12/28/2011	Corrected	Corrected		
	12/28/2011	Uncorrected	Uncorrected	NOV	01/11/2012
	12/28/2011	Uncorrected	Corrected		
	12/28/2011	Uncorrected	Uncorrected	NOV	01/11/2012
	12/28/2011	Uncorrected	Uncorrected	NOV	01/11/2012
	12/28/2011	Uncorrected	Uncorrected	NOV	01/11/2012
	12/28/2011	Uncorrected	Uncorrected	NOV	01/11/2012
	12/28/2011	Uncorrected	Uncorrected	NOV	01/11/2012
	12/28/2011	Uncorrected	Uncorrected	NOV	01/11/2012
	12/28/2011	Uncorrected	Uncorrected	NOV	01/11/2012
	1/27/2011	Uncorrected	Uncorrected	NOV	01/11/2012

## LED Sign Violations Action Log

Business	Number	Street	Violation	Action	Date Letter Sent	In Violation As of 2011?	In Violation As of 2012?
Kings Biergarten	1329	Broadway	Scrolling	Letter Sent	12/4/2012	Yes	No
Fellowship Bible Church	1720	Broadway	Scrolling/Colors	Letter Sent	12/4/2012	Yes	No
First Church	1850	Broadway	Colors	Letter Sent	12/4/2012	Yes	Yes
CubeSmart	1919	Broadway	Scrolling/Blinking	Letter Sent	12/4/2012	Yes	Yes
Country Club Plaza	2540	Broadway	Scrolling	Letter Sent	12/4/2012	Yes	No
First United Methodist	2314	Grand	Scrolling	Letter Sent	12/4/2012	Yes	Yes
Texas First Bank	2343	Main	Scrolling	Letter Sent	12/4/2012	Yes	Yes
Progressive	4901	Broadway	Blinks/Flashes	Letter Sent	12/4/2012	Yes	No
Frost Bank	5208	Broadway	Flashes	Letter Sent	12/4/2012	Yes	Yes
Accent Dental	6915	Broadway	Colors	Letter Sent	12/4/2012	Yes	Yes
Jiffy Lube	8525	Broadway	Scrolling/Blinking	Letter Sent	12/4/2012	Yes	No
JSC Federal Credit Union	9101	Broadway	Scrolling/Colors	Letter Sent	12/4/2012	Yes	Yes
Broadway Plaza	6200	Broadway	Flashes	Letter Sent	12/4/2012	Yes	No
Lions Club	3305	Main	Scrolling	Letter Sent	12/4/2012	Yes	No
Private Mini Storage	1525	Main	Scrolling	Letter Sent	12/4/2012	Yes	No
Pearmain Storage	1416	Main	Scrolling	Letter Sent	12/4/2012	Yes	No
Air Specialists	1323	Main	Scrolling	Letter Sent	12/4/2012	Yes	No
Heritage Bank	1850	Pearland P.	Colors	Letter Sent	12/4/2012	Yes	Yes
Broadway West Storage	10401	Broadway	Flashes/Colors	Letter Sent	12/4/2012	Yes	Yes
Smart Stop Storage	9809	Broadway	Flashes/Colors	Letter Sent	12/4/2012	Yes	No
Private Mini Storage	8206	Broadway	Flashes/Colors	Letter Sent	12/4/2012	Yes	Yes
Consign-It	1427	Broadway	Scrolling	Letter Sent	12/4/2012	n/a	Yes
Storage Choice	5710	Broadway	Flashing	Letter Sent	12/4/2012	n/a	Yes
Eagle Transmissions	6905	Broadway	Scrolling/Colors	Letter Sent	12/4/2012	n/a	Yes
Pearland Animal Hospital	1601	Main	Scrolling/Flash	Letter Sent	12/4/2012	n/a	Yes
East Broadway Plaza, LP	2640	Broadway	Scrolling/Blinking	Letter Sent	12/4/2012	n/a	Yes

In Compliance =



Not in compliance =

