

City of Houston, Texas, Ordinance No. 2017-_____

AN ORDINANCE AMENDING THE CITY OF HOUSTON SIGN CODE (CHAPTER 46 OF THAT VOUME OF THE CITY OF HOUSTON CONSTRUCTION CODE KNOWN AS THE CITY OF HOUSTON BUILDING CODE) RELATING TO THE REGULATION OF SIGNS BY THE CITY; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, abandoned on-premise signs constitute a public safety hazard due to deteriorating signs and confusion to pedestrians and the traveling public, and the amendment of Chapter 46 of the City of Houston Building Code (the “Sign Code”) to require removal of abandoned on-premise signs will enhance the physical appearance and safety of not only the District but the entire City; and

WHEREAS, the City Council of the City of Houston finds and determines that:

- (1) The unsightly condition of Houston’s principal airport corridors creates an unfavorable first impression of the City; and
- (2) Extension of the existing standards for on-premise signage in scenic districts to on-premise signs in an Airport Corridor District (“District”) created by this Ordinance, which includes routes from George Bush Intercontinental Airport, Hobby Airport and Ellington Airport into Downtown, will improve first impressions of our City; and
- (3) The creation of the District will provide a focus for coordinated efforts by public and private entities to enhance beautification in the District; and
- (4) With the creation of the District, the various management districts, TIRZs, TxDOT, the City of Houston and private businesses that have a stake in the beautification of airport corridors will have a focused area in which to undertake a coordinated long-term effort to improve these gateways; and

WHEREAS, to further the goals and objectives of the District, additional size, power and restrictions should be imposed on new on-premise signs constructed in the District; and

WHEREAS, this Ordinance applies exclusively to the regulation of on-premise signs in the Airport Corridor District, and nothing in this ordinance is intended to affect in any way the City’s regulation of off-premise signs under Chapter 46 of the City of Houston Building Code (the “Sign Code”), and the existing rights of owners of off-premise signs, including rights of relocation under the Sign Code, and specifically, but not limited to, rights granted in Sections 4612 and 4617 of the Code; **NOW THEREFORE**,

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NOT YET APPROVED BY THE CITY ATTORNEY**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings and provisions contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

Section 2. That Section 4602 of Chapter 46 of that volume of the City of Houston Construction Code known as the City of Houston Building Code (the “City of Houston Sign Code”) is hereby amended to add, in alphabetical order, the following definition:

“**AIRPORT CORRIDOR** shall mean the areas described in Appendix B to this chapter.”

Section 3. That Subsection (e) of Section 4607 of the City of Houston Sign Code is hereby amended to read as follows:

“(e) Non-use of On-premise Sign Structure.

- (1)** No on-premise sign structure shall be erected on any premises on which there is no business currently in operation that would require the use of such on-premise sign for advertising.
- (2)** The owner, property owner or permittee of an on-premise sign structure shall keep such sign in good repair as required under this section, and shall, in addition, paint over, blank out or otherwise obliterate or remove any existing advertising message on the existing sign face or faces that by virtue of any cessation of business operations on the premises no longer applies to those premises.
- (3)** The owner, property owner or permittee of an on-premise sign structure shall remove any sign structure that for two consecutive years has:
 - a.** Displayed one or more blank sign faces because of the cessation of all business operations on the premises; or
 - b.** Displayed any advertising message despite the cessation of all business operations on the premise.”

Section 4. That Subsection (j) of Section 4608 of the City of Houston Sign Code

is hereby amended to read as follows:

“(j) Change of Ornamental or Technological Features or Advertising Display. No sign permit is required for the change of any of the ornamental features or the advertising display of a sign previously permitted. This provision shall not apply to signs under new ownership, to spectacular signs with respect to advertising display, or to converting existing signs to electronic signs, high technology signs, or changeable message signs, nor shall it release a person from complying with all other applicable permitting requirements of the City, including those of the Construction Code; provided, however, internally illuminated on-premise signs with no changeable messaging capabilities existing as of September 1, 2009, that are converted to use LED bulbs exclusively for lighting purposes with no changeable messaging capabilities require only a sign permit for the change to LED technology and are not required to comply with the requirements of Section 4611(i) of this Code.”

Section 5. That Section 4611 of the City of Houston Sign Code is amended by

adding a new Subsection (j) that reads as follows:

“(j) Airport Corridor District. All new on-premise signs located in the Airport Corridor District for which a sign permit is issued after _____¹ shall conform to all requirements relating to on-premise signs in the Code and shall be subject to the following additional restrictions:

- (1) Ground signs** shall comply with the height and size provisions of Category A of Table 4611.
- (2) Electrical signs** shall be limited to not more than 10 bulbs of 1000 watts or less, shall be 120 volts in the lighting circuit and may be illuminated only indirectly.
- (3) Multi-tenant Signs.** A multi-tenant on-premises sign is required in lieu of individual projecting signs or ground signs for a tract on which two or more distinct commercial businesses or commercial service entities operate. One multi-tenant sign is allowed for each tract of land for the first 350 feet of street frontage. A tract exceeding 350 feet of street frontage may have one additional multi-tenant sign for a maximum of two multi-tenant signs on one street frontage.

¹ City Secretary shall insert date of passage and approval of this Ordinance.

Each side of the tract that abuts a public street shall be considered separately for this calculation. For purposes of Section 4611 (b) of this Chapter (or other provisions limiting the number of on-premise signs for each business), each multi-tenant sign shall count as one ground sign or projecting sign for each business located on the tract. Multi-tenant signs may be single or double faced and:

- a. May be located within a designated landscape and setback area;
- b. Shall be a minimum of 50 feet from any other sign; and
- c. Shall have the maximum height and area requirements specified in Table 4611 of this Code.”

Section 6. That Section 4620 of the City of Houston Sign Code is hereby amended by adding a new Subsection (f) that reads as follows:

“(f) Provisions for special display signs at certain facilities. No provision of Section 4611(j) relating to the regulation of on-premise signs, specifically including provisions relating to the regulation of on-premise signs in the Airport Corridor District, shall apply to or restrict in any way the rights of owners for special display signs at certain facilities included under Section 4620 of the Code.”

Section 7. That the City of Houston Sign Code is hereby amended by adding a new Appendix B that reads as set forth in Exhibit A attached hereto and incorporated herein.

Section 8. That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the “Code”) to make such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

Section 9. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for

any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Counsel in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, vainness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 10. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ___ day of _____, 2017.

APPROVED this ___ day of _____, 2017.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary

Prepared by Legal Dept. _____
JWG:asw 11/14/2017 Assistant City Attorney
Requested by Carol Haddock, P.E., Acting Director, Department of Public Works and Engineering
L.D. File No. _____

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APPENDIX B

AIRPORT CORRIDOR DISTRICT

The **AIRPORT CORRIDOR DISTRICT** of the City shall include the following areas:

- (1) The Interstate 45 corridor including the right-of-way and frontage roads, and extending 660 feet beyond each boundary of the right-of-way and frontage roads of Interstate Highway 45 from its intersection with Dixie Farm Road (Highway 1959) [the southern-most entrance to Ellington Field] on the south to its intersection with Beltway 8 on the north;
- (2) The George Bush Intercontinental Airport Entrance corridor including the right-of-way and frontage roads and extending 300 feet beyond each boundary of the right-of-way and frontage roads of John F Kennedy Boulevard from its intersection with Beltway 8 on the south to the entrance to George Bush Intercontinental Airport on the north;
- (2) The Hobby Airport Entrance corridor including the rights-of-way and extending 300 feet beyond each boundary of the rights-of-way of each of (a) Broadway and Monroe from their intersections with Interstate Highway 45 on the north to their intersections with Airport Boulevard on the south and (b) Airport Boulevard from its intersection with Broadway on the west to its intersection with Interstate 45 on the east and (c) Telephone Road from its intersection with Loop 610 on the north to its intersection with Airport Boulevard on the south [being the primary entrances to William P. Hobby Airport from Interstate 45];
- (3) The Ellington Field Entrance corridor including the right-of-way and extending 300 feet beyond each boundary of (a) the right-of-way of Dixie Farm Road (Highway 1959) from its intersection with Interstate Highway 45 on the south to its intersection with Galveston Road (Highway 3) on the north and (b) the right-of-way of Beltway 8 from its intersection with Interstate Highway 45 on the south to its intersection with Galveston Road (Highway 3) on the north and the right-of-way of Galveston Road (Highway 3) from its intersection with Beltway 8 to its intersection with Clear Lake City Boulevard (Highway 2351 [being the primary entrances to Ellington Field from Interstate 45];
- (4) The Highway 59 corridor including (a) the right-of-way and frontage roads and extending 660 feet beyond each boundary of the right-of-way and frontage roads of Highway 59 from its intersection with Loop 610 on the south to its intersection with Will Clayton Parkway on the north and (b) continuing to the west along Will Clayton Parkway, including the right-of-way and extending ___ feet beyond the right-of-way of Will Clayton Parkway to its intersection with John F. Kennedy Boulevard and (c) the right-of-way and extending 660 feet beyond each boundary of the right-of-way of Beltway 8 from its intersection with Highway 59 on the east to its intersection with John F. Kennedy Boulevard on the west; and

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- (5) The Hardy Toll Road corridor including the right-of-way and frontage roads and extending 660 feet beyond each boundary of the right-of-way and frontage roads of Hardy Toll Road, both as it currently exists and as it may be extended in the future south of Loop 610 into Downtown Houston on the south, and through its intersection with and continuing along the Hardy Toll Road Airport Connector to its intersection with John F. Kennedy Boulevard within George Bush Intercontinental Airport; and
- (6) The principal exits from the foregoing corridors into their intersecting streets in Downtown Houston, specifically (a) the Pease/St. Joseph Parkway exit from Interstate Highway 45 north-bound, (b) the Milam, McKinney, and Pierce-Jefferson exits from Interstate Highway 45 south-bound, (c) the North Hamilton Street exit from Highway 59 south-bound, and (d) the exit from and entrance to Hardy Toll Road, both as it currently exists and as it may be extended in the future, to their intersections with the intersecting streets in Downtown Houston.