

CERTIFICATE FOR ORDINANCE

I.

On the 23rd day of October, 2014, the City Council of the City of Conroe, Texas, consisting of the following qualified members, to-wit: **Webb K. Melder, Mayor; Guy Martin, Mayor Pro Tem; Council Members Marsha Porter, Gil Snider, Seth Gibson and Duke Coon** did convene in public session in the Council Chambers of the City Hall at 300 West Davis in Conroe, Texas. The roll being first called, a quorum was established, all members being present except the following, to wit: n/a. The Meeting was open to the public and public notice of the time, place and purpose of the Meeting was given, all as required by Chapter 551, Texas Government Code.

II.

WHEREUPON, AMONG OTHER BUSINESS transacted, the Council considered adoption of the following written Ordinance, to-wit:

ORDINANCE NO. 2217-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CONROE, TEXAS AMENDING CHAPTER 90, CODE OF ORDINANCES, CITY OF CONROE, TEXAS TO ADOPT A NEW ARTICLE II RELATING TO THE REGULATION OF SIGNS IN THE DOWNTOWN DISTRICT; PROVIDING FOR A FINE NOT TO EXCEED \$500 UPON CONVICTION OF A VIOLATION THEREOF; PROVIDING FOR PUBLICATION, EFFECTIVE DATE AND OTHER RELATED MATTERS

III.

Upon motion of Council Member Gibson, seconded by Council Member Porter, all members present voted for adoption of the Ordinance, except the following: No one voted against and no one abstained. A majority of those Council Members present having voted for adoption, the presiding officer declared the Ordinance passed on first reading.

A true, full and correct copy of the Ordinance adopted at the Meeting is attached to and follows this Certificate.

SIGNED AND SEALED this 23rd day of October, 2014.


MARLA J. PORTER, City Secretary

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WHEREAS, the downtown district of the City of Conroe includes the courthouse square and buildings of local historical interest; and

WHEREAS, the proliferation of signs in the downtown district threatens to alter the historic character of the district and is inconsistent with the prevailing architectural style of the district and threatens to undermine property values in the district;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONROE, TEXAS:

Section 1. Chapter 90, Code of Ordinances, City of Conroe, Texas is hereby amended by the addition of a new Article II styled "Downtown District Sign Regulations" to read as provided in Exhibit A attached to this ordinance and incorporated herein by reference.

Section 2. Any provision of this ordinance that provides for the amendment of the Code of Ordinances, City of Conroe, Texas shall be liberally construed to provide for the codification of the specified provision and for such other provisions of this ordinance that the codifier in its discretion deems appropriate to codify. The codifier may change the designation or numbering of chapters, articles, divisions or sections as herein specified in order to provide for logical ordering of similar or related topics and to avoid the duplicative use of chapter, article or section numbers. Neither the codification nor any application of the codified ordinance shall be deemed invalid on the basis of a variance in the number or section of this ordinance and its codified provisions. The failure to codify the specified provisions of this ordinance shall not affect their validity or enforcement.

Section 3. The provisions of this ordinance are severable. If any provision of this ordinance or its application to any circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application.

Section 4. Any person violating any provision of this ordinance shall, upon conviction, be fined in an amount not to exceed \$500, provided that in the case of a

continuing violation each day that any such violation continues shall constitute a separate offense.

Section 5. The City Secretary shall cause the caption of this ordinance, including any penalty, to be published in a newspaper of general circulation within the City, such notice to be published at least twice with ten (10) days of the date of passage. This ordinance shall be effective upon publication as provided herein.

PASSED AND APPROVED this 23rd day of October, 2014.



WEBB K. MELDER, Mayor

APPROVED AS TO FORM:



MARCUS L. WINBERRY, City Attorney

ATTEST:



MARLA J. PORTER, City Secretary

EXHIBIT A

Chapter 90 SIGNS

Article II. Downtown District Sign Regulations

Sec. 90-25. Downtown district boundaries.

The provisions of this article apply within the area of the City of Conroe bounded by Pacific Street on the east, Simonton Street on the south, San Jacinto Street on the east, and Phillips Street on the north.

Sec. 90-26. Purpose and intent.

This article is intended to:

- (a) protect the public health, safety and welfare;
- (b) conform new signage within the downtown area to the historical use and appearance of signs within the district;
- (c) protect property values by minimizing the adverse effects of visual blight caused by the proliferation of signs; and
- (d) balance the rights of individuals and businesses to convey their messages with signs and the rights of the public and adjacent property owners to be protected against the adverse effects of the unrestricted proliferation of signs.

Sec. 90-27. Definitions.

In this article:

“Attention getting device” means banners, cut out figures, streamers, ribbons, balloons and other inflatable objects, pennants, flags other than those of a federal, state, or local unit of government, flood lights, spot lights, flashing or strobe lights, or other similar devices or displays that attract attention.

“Awning sign” means a sign that is painted, sewed or applied to an awning in a manner that the display does not project from the awning.

“District or district” means the territory within the City of Conroe described in Section 90-25 of this article.

“Door sign” means a sign that is painted, attached or otherwise affixed to a door.

“Sign” means a structure, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform and is visible from a public place. The term includes an attention getting device.

“Shingle sign” means a small sign that is hung or suspended below a roof or awning.

“Wall mounted projecting sign” means a small sign affixed to a wall by means of a bracket or similar mechanism in such a manner that the sign is positioned at a right angle to the wall.

“Wall sign” means a sign that is painted, attached or otherwise affixed to a wall, including a parapet, of a building.

“Window sign” means a sign painted on or affixed to or behind a window in a way that allows it to be viewed from a public place.

Sec. 90-28. Permitted sign forms.

(a) The following forms of outdoor signs are permitted in the district:

- (1) wall signs;
- (2) window signs;
- (3) door signs;
- (4) canopy signs;
- (5) wall mounted projecting signs; and
- (6) shingle signs.

(b) Free standing sidewalk signs or sandwich boards having no more than two sides and six square feet of display area per side, and being no more than four feet in height may be displayed by a business on the sidewalk adjacent to the entrance of the business during its hours of operation. Not more than one such sign per business shall be permitted and the sign may not be placed in a manner that obstructs passage along the sidewalk.

(c) Outdoor sign forms not expressly permitted by this section are prohibited in the district. Prohibited signs include, but are not limited to pole, pylon or free standing signs of any

kind or character, mechanical signs, electric signs, roof top signs, streamers, banners, pennants or other forms of attention getting devices. Outdoor neon signs are prohibited but indoor neon signs visible through a window or storefront display case are not prohibited.

(e) Traffic signs and signals, or other signs erected at the direction or with the consent of the City of Conroe or another unit of government, or signs giving notice of the presence of underground pipelines or utilities are exempt from regulation under this article.

Sec. 90-29. Size, color, number, height and area limits.

(a) No outdoor sign may include colors other than black, white, brown or other earth tones.

(b) Not more than 50% of the area of a wall may be occupied by wall signs, and no wall sign may project from the wall more than four inches. The highest point of a wall sign may not be more than one foot below the top of the wall.

(c) Not more than 50% of the area of a window may be occupied by window signs.

(d) Not more than 25% of the area of a door may be occupied by a door sign.

(e) No wall mounted projecting sign or shingle may have more than two sides nor may the area of the sign exceed eight square feet per side. The lowest point of a wall mounted projecting sign or shingle may not be less than seven feet above ground level.

(f) Each tenant is limited to a single shingle or wall mounted projecting sign, which sign must be located next to the tenant's place of business.