

SECTION 25 SIGN REGULATIONS

A. PURPOSES

The purposes of these sign regulations are:

1. to encourage the effective use of signs as a means of communication in the city, by providing that
 - a. businesses and services may identify themselves,
 - b. customers and other persons may locate a business or service,
 - c. no person or group is arbitrarily denied the use of sight lines from the public right-of-way for communication purposes, and
 - d. persons exposed to signs are not so overwhelmed by the number of messages presented that they cannot find the information they seek, and are able to observe or ignore messages according to the observer's purpose.
2. to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth, by providing that signs:
 - a. do not interfere with scenic views,
 - b. do not create a nuisance to persons using public rights-of-way,
 - c. do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement,
 - d. are not detrimental to land or property values, and
 - e. contribute to the special character of particular places or districts within the city, helping the observer to understand the city and orient within it.
3. to promote safety, by providing that signs:
 - a. do not create a hazard due to collapse, fire, collision, decay or abandonment,
 - b. do not obstruct fire fighting or police surveillance, and
 - c. do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.
4. to minimize the possible adverse effect of signs on nearby public and private property, and
5. to enable the fair and consistent enforcement of these sign restrictions.

These sign regulations are adopted under the zoning authority of the city in furtherance of the more general purposes set forth in Section 2 of Ordinance 808.

The effect of this ordinance as more specifically set forth herein, is:

1. To establish a permit system 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.
2. 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,

3. To prohibit all signs not expressly permitted by this ordinance, and
4. To provide for the enforcement of the provisions of this ordinance.

Notwithstanding any provision of this ordinance to the contrary, a non-commercial message is allowed in lieu of a commercial message on any sign which is permitted in the City.

B. ADMINISTRATIVE PROCEDURES

1. Permit Required: It shall be unlawful for any person to erect, replace, alter, enlarge or relocate any sign within the city without first obtaining a permit to do so from the Building Official, except as may be hereinafter provided. A sign may be erected, placed, established, painted, created, or maintained in the city only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance. Separate electrical permits are required for those signs requiring electrical inspection.

2. Application for Sign Permit: Application for a permit required by this ordinance shall be made upon forms provided by the building official, and shall contain or have attached thereto the following information:

- a. sign use
- b. name, address and telephone number of applicant,
- c. name, address and telephone number of owner,
- d. name, address and telephone number of person or firm erecting the sign,
- e. location of the building, structure or tract to which or upon which the sign is to be attached or erected,
- f. location and dimensions of other signs on property,
- g. position of the sign in relation to nearby buildings or structures or other related signs,
- h. certification by a registered professional engineer confirming a design load of thirty pounds per square foot for any free-standing sign over six feet (6') in height,
- i. such other information as the building official may require to show full compliance with this ordinance and all other laws and ordinances of the city and state.

All applications for sign permits of any kind shall be submitted to the Inspections Department.

3. Fees: Application and permit fees for each sign shall be as established by the City Council. Application fees shall be nonrefundable. Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the City Council from time to time by resolution.

4. Not to Issue to Persons Previously Failing to Pay Fees: The Building Official shall not issue a sign permit to any person who has previously failed or refused to pay any fees or costs assessed against him under the provisions of this ordinance, until such fees are paid.

5. Completeness: Within five days of receiving an application for a sign permit, the Building Official shall review it for completeness. If the Building Official finds that it is complete, the application shall then be processed. If the Building Official finds that it is incomplete, the Building Official shall, within such five-day period, send to the applicant a notice specifying why the application is deficient, with appropriate references to the applicable sections of this ordinance.

6. Permit Revocable: The Building Official may suspend or revoke any permit under the provisions of this ordinance whenever he shall determine that the permit was issued in error or on the basis of incorrect or false information supplied, or whenever such permit be issued in violation of any of the provisions of this ordinance or any other ordinance of this city or laws of this state or the federal government. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign or the owner of the premises upon which the sign is located.

7. Inspection: The Building Official shall inspect at times as he deems necessary, each sign regulated by this ordinance for the purpose of ascertaining whether the same is obsolete and whether it is in need of removal or repair.

8. Permit Valid Only for Sixty (60) Days: If the work authorized by a permit issued under this ordinance has not been commenced within sixty (60) days after the date of issuance, the permit shall become null and void.

9. Removal of Abandoned or Obsolete Signs: Any sign which the Building Official determines is abandoned or no longer serves a bona fide purpose or use conforming to this ordinance, shall be removed by the sign erector, owner or lessee of the land, buildings, or structure upon which the sign is located within ten (10) days after written notification to do so from the Building Official. Upon failure to comply with such notice, the building official is hereby authorized to cause the removal of such sign, and any expense incident thereto shall be paid by the sign erector, owner or lessee of the land, building or structure to which such sign is attached or upon which it is erected. Effective two (2) years from the effective date of this ordinance, when a sign panel on a nonconforming multi-tenant sign advertises an abandoned business, is blank for a period of six months, or is removed, the sign cabinet or case containing that panel shall be removed from the nonconforming sign.

10. Removal or Repair of Dilapidated, Deteriorated or Unsafe Signs: If the Building Official shall determine that any sign is dilapidated, deteriorated, unsafe, insecure, or is a menace to the public, he shall give written notice to the owner, lessee or sign erector for such sign. Conforming signs may be repaired or removed, while nonconforming signs must be removed. If the owner lessee or sign erector fails to remove or repair the sign within ten (10) days after such notice, such sign may be removed by the Building Official at the expense of the owner of the property upon which it is located. The Building Official may cause any sign that is an immediate hazard to persons to be removed summarily and without notice and the cost of same shall be paid by the land owner.

11. Appeals: Any person aggrieved by the decision of the Building Official or any city officer, department or Board of the City in relation to enforcement of these sign regulation, or who may petition the City for a variance to these regulations, may appeal to the City's Board of Adjustment. All applications and processing of appeals shall be in accordance with the Rules of the Board and with applicable city and state law. When in its judgment in specific cases, where the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, and after public notice and hearing, and subject to the appropriate conditions and safeguards, the Board shall have the following powers:

a. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the building official in the enforcement of this ordinance.

b. To authorize the alteration or reconstruction of a nonconforming sign provided such reconstruction does not, in the judgment of the Board, increase the degree

of nonconformity of the sign and that the long-term goal of bringing signs into compliance is achieved.

c. To authorize such variances where the literal enforcement of the provisions of this ordinance would result in an unnecessary hardship, and where such variances are deemed necessary to permit a sign on a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape or slope that a sign cannot be placed on the parcel in a manner commensurate with those signs permitted on other parcels of land in the same district. The modification of the standards established in this ordinance shall not be granted to relieve a self-created or personal hardship, not for financial reason alone, nor shall such modification be granted to permit any person a privilege in placing a sign on a parcel of land not permitted by this ordinance to other parcels of land in that district.

d. a hardship is intended to include a change in elevation or curve in a roadway which obstructs visibility.

e. No variance may be granted if the granting of that variance will create an unnecessary hardship upon another parcel of land. The Board is not authorized to grant a variance of the zone in which a sign is permitted.

f. In order to make a finding of hardship and to grant a variance, the Board shall find

- 1) the requested variance does not eliminate any requirement of this ordinance and does not allow any prohibited signs,
- 2) the hardship is not in any way the result of the applicant's own action,
- 3) The hardship is peculiar to the property of the applicant and not due to the general conditions of the neighborhood. Economic gain or loss shall never be sufficient grounds for the finding of a hardship or the granting of a variance.

g. A variance is only for the particular sign for which it was granted and any attempt to change the sign terminates the variance. A change or alteration of a sign requires a new permit, without considering any prior variance or previous ordinance. If a sign face is removed from a non-conforming sign, then all appurtenant hardware, including the sign cabinet/case associated with that face shall also be removed.

C. Design, Construction and Maintenance

All signs shall be designed, constructed and maintained in accordance with the following standards:

1. All signs shall comply with applicable provisions of the International Building Code and the National Electric Code, as adopted by the City, including separation requirements from electrical lines, at all times.
2. Except for banners, flags, temporary signs, and window signs conforming to 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.
3. All freestanding signs shall be designed and installed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be

constructed to receive dead loads as required by the International Building Code.

4. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with the code, at all times.
5. No sign shall be erected, relocated or maintained in a location that obstructs or hinders free ingress to or egress from any door, window or fire escape.
6. Signs that contain exposed bulbs and/or exposed neon shall be prohibited.
7. Signs that contain reflective materials shall be prohibited.
8. Signs that are made structurally sound by guy wires or unsightly bracing shall be prohibited.

D. Signs Allowed on Private Property

Signs shall be allowed on private property in the City in accordance with, and only in accordance with, Table 25-1. If the letter "P" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning district represented by the column. If the letter "S" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances.

Although permitted under the previous paragraph, a sign designated by an "S" or "P" in Table 25-1 shall be allowed only if the size, location, and number of signs on the lot conform to the requirements of Tables 25-2, which establish permitted sign dimensions by sign type, and with any additional limitations listed in Table 25-1.

The following regulations shall apply to the content of signs:

1. Non-text graphics shall be limited to no more than fifty percent (50 %) of the total sign area.
2. Areas designed to hold changeable copy shall be limited to no more than fifty percent (50%) of the total sign area.
3. Changing signs, whether animated, moving, digital, automatic, flashing or video that changes more frequently than eight times per day shall be prohibited, except those displaying time and temperature information only.

The following regulations apply to development signs:

4. Off-premise signs after acceptance of improvements: Two signs, not to exceed sixteen square feet (16 SF) or six feet (6') in height each, may be allowed for a period up to 12 months beginning on the date of acceptance of site improvements by the City. The signs must conform to all restrictions for the zoning district in which they are located.
5. On-premise signs prior to acceptance of improvements: One sign, maximum area twelve square feet, maximum height 6 feet, will be allowed from ground breaking until the acceptance of improvements by the City, but not longer than 12 months.

6. On premise signs, after acceptance of improvements: One sign, maximum area 64 square feet, maximum height 6 feet, for a 12 month period beginning on the date of acceptance of improvements by the City.
7. For purposes of timing, each phase shall be considered a separate development. The number of signs shall not be increased with each phase.

**Table 25-1
Permitted Signs By Type and Zoning District**

Sign Type	Zoning District				
	A, B, BR, CR, C, SD, RE, MH	D	E, CF	F, HC, G, MU	H
Freestanding					
Residential	P	P	N	N	N
Other	N	S	S	S	S
Incidental ^b	N	P	P	P	P
Building					
Banner ^{i,j}	N	N	S	S	S
Building Marker ^d	P	P	P	P	P
Canopy	N	N	S	S	S
Identification ^c	P	P	P	P	P
Incidental ^b	N	P ^e	P ^b	P	P
Residential ^a	P	P	N	N	N
Roof, Integral	N	N	S	S	N
Wall	N	N	S	S	S
Window ^h	N	N	P	P	N
Miscellaneous					
Noncommercial Flag ^g	P	P	P	P	P
Commercial Flag ^g	N	S	S	S	S
Pennant ^l	N	N	S	S	S
Portable ^f	N	N	S	S	S

P = Allowed without sign permit
S = Allowed only with sign permit
N = Not allowed

Notes for Table 25-1

- a. must be displayed in conjunction with U.S. or State flag.
- b. No commercial message shall exceed one square foot.
- c. Only address and name of occupant allowed on sign.
- d. May include only building name, date of construction, or historical data on historic site; must be cut or etched into masonry, bronze, or similar material.
- e. No commercial message of any kind allowed on sign.
- f. The conditions of Section 25.F of this ordinance apply.
- g. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. These flags must be flown in accordance with the United States Flag Code (Title 36, Chapter 10, United States Code, Paragraphs 170-178.) One corporate flag containing only the name and/or logo of a business or institution may be flown in conjunction with flags of the US or State provided that the corporate flag does not exceed the size or height of the U.S. flag on the property, or exceed 15 square feet, whichever is larger. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.
- h. Window signs are allowed so long as they are painted on or affixed within the building and do not cover more than 25 percent of the total window area. Window signs shall be included in the area allowed for wall signs.
- i. Banners other than those approved for special events (see j below) allowed only when securely mounted flush with the surface of the building.
- j. Pennants and banners for special events (e.g. grand openings) allowed only for 30 days in a 12-month period.
- k. One sale of premises sign, up to six square feet (6 SF) allowed per lot. One six square foot (6 SF) sale of personal property up to 30 days per year from any residence within the City.
- l. Wall signs shall be affixed to the building, signs painted on the structure itself shall be prohibited.

**Table 25-2
Number, Dimensions, and Location of Individual Signs
By Zoning District**

Sign Type	Zoning District				
	A, B, BR, CR, C, RE, SD, MH	D	E, CF	F, HC, G, MU	H
Freestanding					
Area (Sq.Ft.)	6	40	80 ^e	120 ^e	120 ^a
Maximum Height (feet)	4				
Monument Sign		6	6	6	6
Pylon Sign ^c		NA	35 ^a	35 ^a	35 ^a
Setback (Ft) ^b	0				
Monument Sign		5	5	5	5
Pylon Sign over six Feet in Height		NA	25	25	30
Maximum Number Permitted Per Lot ^g	1	NA	NA	NA	NA
Street Frontage required by type of sign	NA				
per monument sign		100 ft.	100 ft.	100 ft.	100 ft.
per pylon sign over six feet high		200 ft.	200 ft.	200 ft.	200 ft.
Minimum spacing between signs on a single lot	NA	50 ft.	50 ft.	50 ft.	50 ft.
Incidental Signs					
Maximum height (ft)		4	4	4	4
Maximum area (Sq.Ft.)		4	4	4	4
Building					
Area (max sq.ft.)	1 ^d	60	NA	NA	NA
Wall Area (percent, including windows)	NA	NA	25 %	25 %	25 %

Notes for Table 25-2

- ^a The maximum sign height is 35 feet and minimum setback is 25 feet; however, in no case shall the actual sign height exceed the actual sign setback from a street or any adjacent lot that is zoned and used for residential purposes. For example, if the sign setback is 30 feet from such lot, it may be no more than 30 feet high.
- ^b In addition to the setback requirements on this table, signs shall be located such that there is at every street intersection a clear view between heights of three feet and ten feet in a triangle formed by the corner and points on the property line extending 35 feet from the intersection or entrance. Encroachments into the visibility triangle may be authorized by the City Planner upon a determination that traffic visibility is not hindered.
- ^c (deleted)
- ^d A subdivision entryway sign or plaque, not exceeding 30 square feet, may be permitted on either side of a subdivision entry, attached to an approved masonry screening wall, and illuminated only by spot-lighting. A subdivision entryway sign shall not include the name or logo of the developer or builder.
- ^e Multiple tenant projects are permitted a ten percent (10%) increase over the single tenant maximum for each additional tenant, up to a maximum of 100 percent of the single tenant maximum. Only one sign per property may qualify for the multiple tenant increase.
- ^f A second monument sign, not exceeding six feet in height and 60 square feet in size, may be permitted on the second front yard upon approval of the City Planner.
- ^g No limit on campaign signs during political season, as defined Section 25.G.6.
- ^h Street frontage on a second front yard may be included provided it faces nonresidentially-zoned property.

E. Signs In The Public Right-of-Way

No sign shall be allowed in the public right-of-way, except for the following:

1. **Governmental or Utility Signs:** Permanent signs, including:
 - a. public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic; and
 - b. informational signs of a public utility regarding its poles, lines, pipes, or facilities.
2. **Emergency Signs:** Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
3. **Government Banners:** Seasonal and/or promotional banners installed by the City of Benbrook, Benbrook Economic Development Corporation or Fort Worth Independent School District attached to street light poles, utility poles or other authorized structures not exceeding fifteen square feet (15 SF) per banner and not exceeding two banners per pole.
4. **Other Signs Forfeited:** Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. A violation of this provision is subject to a fine as provided in Section 35 of the Zoning Ordinance. In addition to other remedies hereunder, the city shall have the right to recover from the owner or persons placing such a sign the full costs of removal and disposal of such sign.

F. Portable Signs

Portable Signs may be temporarily located on property in "CF", "E", "F", "HC", "G", and "H" Districts subject to the following conditions:

1. No portable sign shall be located within the City unless a permit is issued by the Inspection Department of the City.
2. Except as provided in paragraph 11 below, not more than one (1) portable sign may be located on a single platted lot of record or parcel as shown on the City's tax records at any time.
3. Portable signs may not exceed fifty square feet (50 sq.ft.) of sign area and eight feet on overall height.
4. All portable signs must be located on private property, a minimum of thirty-five feet (35') from the intersection of any street or highway right-of-way.
5. Portable signs may not be located in areas that may, in the judgment of the Building Inspection Department or the Police Department, create a safety hazard to vehicular or pedestrian traffic.
6. Except as provided in paragraph 11 below, permits may be issued by the Inspection Department for periods not to exceed twenty-eight days per occasion and not to exceed four (4) occasions per calendar year for a portable sign on any

single platted lot of record or parcel as shown on the City's tax records under the same ownership.

7. All applications for portable sign permits presented to the Building Inspection Department must include the following information: name, address, phone number of the owner of the property, the renter of the sign, and the owner of the sign; the proposed dates the sign would be located on the property; the signature of the sign owner responsible for removal of the portable sign; and a scale drawing including the legal description of the property, all applicable property lines, and dimensions, all street intersections, all applicable driveways, all applicable parking and off-street traffic circulation areas, and accurately showing the proposed location of the portable sign. Except as provided in paragraph 11 below, the owner of any portable sign shall be responsible for obtaining the permit required herein and shall be responsible for any violations of this ordinance whether the sign is leased or rented to another or not. Upon obtaining a building permit, the owner of said sign shall sign a statement indemnifying and holding the City harmless for any damages which may result from the placement of said sign.
8. Portable signs, when permitted, may not be relocated to any other location on the property or to another property without prior authorization from the Building Inspection Department. Any approved relocation of a permitted portable sign does not extend the authorized time period of the sign.
9. Portable signs shall be required to meet all applicable building and electrical codes.
10. Portable signs shall be maintained in good state of repair and shall not be allowed to become dilapidated, unsightly or deteriorated.
11. Portable Signs on Multiple Tenant Properties: Properties with multiple tenants (e.g. shopping centers or strips) and having more than four hundred feet (400 ft.) of street frontage are permitted to have two portable signs present on a single property. For properties with over six hundred feet (600 ft) of street frontage are permitted an additional sign for each two hundred feet (200 ft) of street frontage above four hundred feet (400 ft). Properties with multiple tenants may increase the total number of occasions allowed per calendar year by four (4) for each two hundred feet (200 ft) of frontage above the first two hundred feet (200 ft). Applications for portable signs on multiple tenant properties must be made by the property owner or their designated property manager, or by the sign contractor with written authorization from the owner or property manager authorizing the specific sign being requested. It is the duty of the property owner or manager to determine which tenant shall be authorized for a sign within the total number allowed.

G. Signs Exempt from Regulation Under This Ordinance

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

1. Any public notice or warning required by a federal, state, or local law, regulation, or ordinance;
2. Any 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;
4. Holiday lights and decorations with no commercial message, provided they are maintained in accordance with applicable regulations.
5. Traffic control signs on private property, such as stop, yield, and similar signs, the face of which meet standards of the Texas Manual on Uniform Traffic Control Devices and which contain no commercial message of any sort.
6. Temporary political campaign signs on private property beyond the one sign allowed by right, so long as the sign meets the size, height, and setback requirements established for freestanding signs within the zoning district and only for a period not more than thirty (30) days prior nor more than ten (10) days following an official election. Political signs placed within rights-of-way or upon public property may be removed and disposed of by City personnel.
7. Vehicle signs, when such vehicle is used in the normal day-to-day operations of the business (ie. is used or moved at least once during a 72-hour period.)
8. Informational and/or welcome signs erected by the Benbrook Economic Development Corporation on private or public property with owner's authorization, but not on street right-of-way. Such signs may not exceed 120 square feet in area or ten feet (10') in height, unless otherwise approved by the City Council. Such signs may include information on commercial and nonprofit organizations within the City, provided that the area provided for each organization does not exceed four square feet (4 sq.ft.) and that the total area provided for commercial and/or nonprofit organizations does not exceed 51 percent of the total sign area.
9. Bench signs on benches placed by the official transit agency for the City.

H. Signs Prohibited Under This Ordinance

All 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:

1. Signs which imitate or resemble any official traffic sign, signal or device; or which use a revolving beam or beacon resembling any emergency vehicle, or are located or illuminated in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or so as to obstruct or interfere with the view of a driver of approaching, emerging, or intersecting traffic, or so as to prevent any traveler on any street from obtaining a clear view of approaching vehicles for a distance of 250 feet along the street.
2. Signs which are erected or maintained upon trees or which are painted or drawn upon rocks or other natural features.
3. Beacons
4. Strings of lights not permanently mounted to a rigid background, except those holiday lights and decorations exempt under paragraph G.4. above.
5. Projecting signs
6. Roof Signs

7. Signs advertising off-premises businesses, products or services. Signs advertising garage sales that otherwise comply with this Ordinance are exempt from this prohibition.
8. Animated or moving signs
9. Signs located on private property without the consent of the owner of said premises.
10. Signs that are located in or interfere with the use of a required off-street parking space or maneuvering area.
11. Signs which are, or are becoming deteriorated, dilapidated or in danger or falling or otherwise unsafe.
12. Any unauthorized sign on or attached to a public street light, utility pole, hydrant, bridge, traffic control device, street sign or other public structure or building, or any sign located in, on, over, or within a public street, sidewalk, alley, easement, or right-of-way.
13. Illuminated signs, illuminated from within or without, which
 - a. are illuminated in such a manner, to high 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, intermittently lighted, changing color or blinking lights, except those displaying time and temperature information only.
14. Balloons or other inflatable devices used as a sign.
15. Signs which display obscene, indecent or immoral matter.
16. Pole signs, unless approved by variance by the Zoning Board of Adjustment.
17. Painted wall signs.