

ARF-11643

AGENDA ITEM **32A**

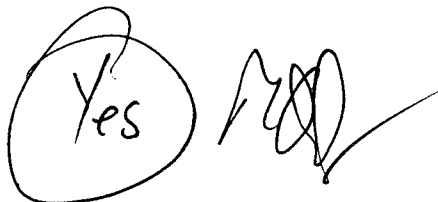
REGULAR SESSION AGENDA

Meeting
Date: 08/27/2013

Regulations for Signs on the Grand Parkway

Submitted Donna Ospina, County Judge
By:

Department: County Judge

Renewal
Agreement/
Appointment:Reviewed
by County
Attorney's
Office:Multiple
Originals
Y/N?:

Information

SUMMARY OF ITEM

Take all appropriate action on Amended and Restated Order Establishing Regulations of Fort Bend County for the Placement of Signs Visible from the Main-Traveled Way of a Toll Road Within Fort Bend County, Texas, as recommended by the Fort Bend Grand Parkway Toll Road Authority at the regular meeting held on August 2, 2013.

SPECIAL HANDLING

Attachments

Order

8/29/13 2 originals returned to Donna at County Judge

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

The Commissioners Court of Fort Bend County, Texas, convened in REGULAR SESSION AT A REGULAR TERM OF SAID COURT, open to the public, on the 27 day of August, 2013, at the County Courthouse, with a quorum of said Court present:

Whereupon, among other business the following was transacted at said meeting: a written order entitled:

AMENDED AND RESTATED ORDER ESTABLISHING REGULATIONS OF
FORT BEND COUNTY FOR THE PLACEMENT OF SIGNS VISIBLE FROM THE
MAIN-TRAVELED WAY OF A TOLL ROAD WITHIN FORT BEND COUNTY, TEXAS

(the "Amended and Restated Order") was duly introduced for the consideration of the Commissioners Court and reviewed in full. It was then duly moved by Comm. Patterson and seconded by Comm. Meyers that the Amended and Restated Order be passed; and, after due discussion, the motion, carrying with it the passage of the Amended and Restated Order, prevailed and carried by the following vote:

AYES: 5
NOES: 0

The County Judge thereupon announced that the Amended and Restated Order has been duly and lawfully adopted. The Amended and Restated Order thus adopted follows:

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

AMENDED AND RESTATED ORDER ESTABLISHING REGULATIONS OF FORT
BEND COUNTY FOR THE PLACEMENT OF SIGNS VISIBLE FROM THE MAIN-
TRAVELED WAY OF A TOLL ROAD WITHIN FORT BEND COUNTY, TEXAS

RECITALS

WHEREAS, Texas Transportation Code Chapter 395, authorizes a county toll road authority to adopt rules that provide for the prohibition of the placement of signs that are visible from the main-traveled way of a County Toll Road and are erected for the purpose of having the message seen from the main-traveled way of a County Toll Road; and

WHEREAS, the Commissioners Court of Fort Bend County has considered the matter and determines that such rules are necessary to restore, preserve or enhance the scenic beauty of the property within view of County Toll Roads; and

WHEREAS, the Commissioners Court of Fort Bend County finds that the unregulated construction of signs, billboards, and other outdoor advertising structures can present structural hazards to the health and safety of the citizens of Fort Bend County and can present impediments and dangers to traffic along County Toll Roads; and

WHEREAS, the Commissioners Court of Fort Bend County finds that the control of placement of signs, billboards, and other outdoor advertising structures will promote and enhance the efficient and safe use of County Toll Roads; and

WHEREAS, the Commissioners Court of Fort Bend County previously adopted an Order Establishing Regulations of Fort Bend County for the Placement of Signs Visible from the Main-Traveled Way of a Toll Road Within Fort Bend County, Texas, effective January 24, 2006 (the "2006 Order"); and

WHEREAS, the Commissioners Court of Fort Bend County previously adopted a Policy for Consideration of Variance Requests for the Placement of Signs Visible from the Main-Traveled Way of a Toll Road within Fort Bend County, Texas, effective January 25, 2011 (the "Variance Policy"); and

WHEREAS, the Commissioners Court of Fort Bend County adopted an Amended and Restated Order Establishing Regulations of Fort Bend County for the

Placement of Signs Visible from the Main-Traveled Way of a Toll Road within Fort Bend County, Texas, effective October 25, 2011, (the "Order") that amended and restated the 2006 Order and incorporated and restated the Variance Policy; and

WHEREAS, the Commissioners Court of Fort Bend County desires to amend and restate the Order herein;

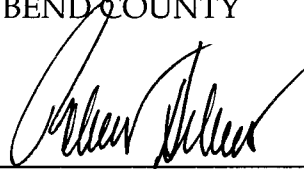
NOW, THEREFORE, IT IS ORDERED BY THE COMMISSIONERS COURT OF FORT BEND COUNTY THAT:

SECTION 1. BACKGROUND

- (a) The foregoing recitals are true and correct and incorporated herein.
- (b) The Regulations attached as Exhibit "A" are hereby approved and adopted.

ADOPTED this 27 day of August, 2013.

FORT BEND COUNTY



82713

Robert Hebert, County Judge

ATTEST:



Dianne Wilson, County Clerk and Ex-Officio
Clerk of the Commissioners Court of
Fort Bend County, Texas

(SEAL)

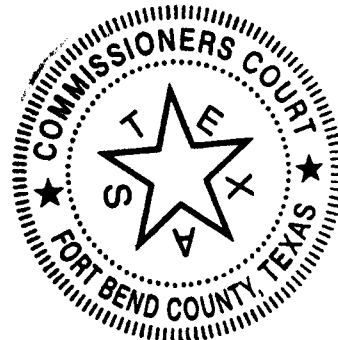


EXHIBIT "A"

**REGULATIONS OF FORT BEND COUNTY
FOR THE PLACEMENT OF SIGNS
VISIBLE FROM THE MAIN-TRAVELED WAY OF A TOLL ROAD
WITHIN FORT BEND COUNTY, TEXAS**

**ADOPTED BY
FORT BEND COUNTY COMMISSIONERS COURT
ON August 27, 2013
EFFECTIVE IMMEDIATELY**

**FORT BEND COUNTY
PUBLIC INFRASTRUCTURE DEPARTMENT
ENGINEERING DIVISION**

**PERMIT OFFICE
1124 BLUME ROAD
ROSENBERG, TEXAS 77471**

**REGULATIONS OF FORT BEND COUNTY FOR THE PLACEMENT
OF SIGNS VISIBLE FROM THE MAIN-TRAVELED WAY OF A
COUNTY TOLL ROAD; PROVIDING A SEVERABILITY CLAUSE;
AND PROVIDING AN EFFECTIVE DATE**

PART 1. STANDARD SIGN REGULATION

Section 01 - Scope

(a) The provisions of these Regulations shall apply to all signs, as defined herein, which are visible from the main-traveled way of a toll road within Fort Bend County and are erected for the purpose of having the message seen from the main-traveled way of a toll road within Fort Bend County.

(b) These regulations are adopted by the Commissioners Court of Fort Bend County, Texas, acting as the governing body of the Fort Bend County Toll Road Authority of Fort Bend County, pursuant to Chapter 395 of the Texas Transportation Code and Chapter 284 of the Transportation Code.

(c) Additional Sign Regulations. Signs regulated under this chapter may be subject to additional regulation under the regulations adopted by the various cities within Fort Bend County. A separate permit may be required from the appropriate city and the cities' regulations may be more restrictive. Approval of plans, issuance of a permit or approval of work by Fort Bend County does not constitute the approval of any City. Signs regulated under this chapter may also be subject to more restrictive requirements pursuant to scenic easements, deed restrictions, or other land use restrictions and these Regulations are in addition to any obligation to comply with such requirements.

Section 02 - Definitions

The following definitions shall apply to these Regulations:

Authority - means the Fort Bend County Toll Road Authority.

Commissioners Court - means the Commissioners Court of Fort Bend County, Texas.

County Engineer - means the Fort Bend County Engineer or the Fort Bend County Engineer's designated agents and employees responsible for administrating and

enforcing these Regulations as provided in Section 04 of these Regulations.

County Toll Road - means any toll road in Fort Bend County, including, but not limited to, Fort Bend Parkway Toll Road, Westpark Tollway, and Grand Parkway.

Grade - means the natural level of the ground upon which the sign structure is placed.

Maintain - means allow to exist.

Motorist Information Panel - means a rectangular panel placed on a toll road that contains at least one business sign advertising a business available within a certain distance of that interchange as authorized under Chapter 395 of the Texas Transportation Code.

On-Premise Sign - means a freestanding sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person, or activity.

Off-Premise Sign - means a sign displaying advertising that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

Person - means an individual, corporation, association, or any other entity.

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, including but not limited to strings, pennants, flags, twirlers, propellers, flares, balloons, noise creating wind devices, inflatable displays and similar devices of carnival character, including wind devices activated by natural or artificial means.

Sign Structure - means any structure which supports or is capable of supporting any sign. A Sign Structure may be a single pole and may or may not be an integral part of a building.

Total Front Footage - means the total length of the footage of property fronting on both sides of a County Toll Road.

Visible - when used in connection with visibility of a sign from a County Toll Road, means that any message bearing part of the sign is legible from a County Toll Road. Any sign within six hundred and sixty (660) feet of a County Toll Road shall be

presumed visible from that road and erected for the purpose of having the message seen from the main-traveled way of a toll road within Fort Bend County; however, there is no presumption that signs beyond six hundred sixty (660) feet of a County Toll Road are not visible from the road.

Section 03 - Sign Classifications

Types of Signs

(a) To enforce the provisions of these Regulations, all signs, whether off-premise or on-premise, shall be classified into one of the following type signs:

(1) 'Berm Sign' shall mean any sign whose components are permanently affixed, constructed with any combination of masonry, wood, concrete, rock, metal or plastic with the sign structure and/or embellishments beginning at grade, or within six inches of grade and, if illuminated, permanently wired for low intensity lighting.

(2) 'Subdivision Entry Monument Sign' shall mean a berm sign that: i) is located at a major entrance to either a residential subdivision of greater than or equal to 75 acres or a commercial subdivision of greater than or equal to 35 acres; and ii) is located on a major thoroughfare, major collector road, or on a property line of the subdivision that intersects the toll road right of way; and iii) does not include a commercial name or have advertisement value for non-residential commercial use.

(3) 'Marquee Sign' shall mean a projecting sign attached to or hung from a canopy or covered structure projecting from and supported by a frame or pipe support extending beyond a building.

(4) 'Projecting Sign' shall mean any sign which is affixed to any building wall or structure and extends beyond the building wall or structure more than 12 inches.

(5) 'Roof Sign' shall mean any sign erected, constructed or maintained above the roof of any building.

(6) 'Wall Sign' shall mean any sign affixed to or painted upon the wall of any building.

(b) Any on-premise or off-premise sign of any type may also be included within one or more of the following classifications according to special functions:

(1) 'Electrical Sign' shall mean any sign containing electrical wiring or utilizing electric current, but not including signs illuminated by an exterior light source.

(2) 'Portable Sign' shall mean any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier, or other non-motorized mobile structure; a portable sign which has its wheels removed shall still be considered a portable sign hereunder. For the purpose of these Regulations, trailer signs and signs on benches are portable signs.

(3) 'Spectacular Sign' shall mean any sign which has automatically changing advertising, which contains glaring or rotating strobe lights, spot lights, or flashing or blinking lights, or which moves, rotates, or has any moving parts whatsoever. A changing message that does not change more than once every five (5) minutes shall not be considered "automatically changing advertising".

(4) 'Temporary Sign' shall mean any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials. Portable signs, however, shall not be considered temporary signs.

Section 04 - Administration and Enforcement

(a) Authority

The Fort Bend County Engineer is hereby authorized and directed to enforce and carry out all provisions of these Regulations. The duties of the County Engineer shall include issuing permits as required by these Regulations, insuring that all signs comply with these Regulations, making necessary inspections, initiating appropriate action to correct noncompliance with and investigating complaints of alleged violations of these Regulations. If appropriate the County Engineer may initiate legal proceedings for the removal of a sign and, if appropriate, compensation as required by law.

(b) Powers

The County Engineer shall have the power and authority to administer and enforce these Regulations. Included among such powers are the following specific powers:

(1) Every sign for which a permit is required shall be subject to the inspection and approval of the County Engineer.

(2) Upon notice and issuance of a stop order from the County Engineer, work on any sign which violates the provisions of these Regulations shall cease immediately. Notice and the order shall be in writing and shall be given to the permit holder or permit applicant, or to the designated agent of the permit holder or applicant, or to the person doing the work, and shall state the conditions under which work may be resumed. After issuing a stop order, the County Engineer shall initiate enforcement proceedings as necessary to obtain compliance with these Regulations, including but not limited to the revocation of any permit issued for the sign consistent with Section 08 of these Regulations.

(3) The County Engineer is hereby granted the power and authority to revoke all permits authorized by these Regulations for violations of any provisions of these Regulations pursuant to Section 08 of these Regulations.

(c) Enforcement

Any person violating any provision of these Regulations shall be punished according to Section 13. In addition, upon the written request of the County Engineer, the Fort Bend County Attorney is hereby authorized to take all equitable actions to assure compliance.

(d) Appeals

Pursuant to Section 243.007(c) of the Local Government Code, the District Court has jurisdiction over a suit which arises from the denial, suspension or revocation of a permit.

(e) Variances

Any person desiring to secure a variance must submit a written request to the

County Engineer's office, citing the specific regulation from which a variance is sought, the specific facts or reasons a variance is needed, and all possible effects of such variance. The Fort Bend County Toll Road Authority or Fort Bend Grand Parkway Toll Road Authority, as applicable, shall consider the variance request at a public hearing posted in accordance with the Texas Open Meetings Act. After such hearing, the Authority will make a recommendation to Commissioners Court to approve or deny the requested variance or granting an alternative variance. The variance may only be granted by a majority of the Commissioners Court present at the meeting at which the variance is presented. Such variance shall be based on specific findings incorporated in the official minutes of the meeting of Commissioners Court at which the variance is granted.

In considering requests for variance from the Regulations, the following factors may be considered:

1. Will the general purpose of the Regulations be maintained?
2. What is the distance of the proposed sign from the main-traveled way of a toll road?
3. What is the orientation of the proposed sign to the main-traveled way of a toll road?
4. Is the proposed sign intended to be visible primarily from another roadway that is not a toll road?
5. Would compliance with the Regulations create undue hardship on the variance applicant due to unusual situations which make strict compliance with the Regulations unfeasible?
6. What is the effect of non-compliance on adjacent land?
7. Do the variance applicant's facts and circumstances for requesting the variance present unique hardship that is not applicable to the general community or area?
8. Will the granting of the variance be precedent-setting and result in the erosion of compliance with the Regulations?

In granting a variance request, these minimum findings must be made: (1) compliance with the Regulations would create undue hardship on the variance applicant due to unique situations which make strict compliance with the Regulations unfeasible; or (2) the proposed sign would not be visible from the main-traveled way of a toll road; or (3) the general purpose of the Regulations is maintained.

Section 05 - Sign Permits

(a) Permit Required

No person shall hereafter erect, construct, reconstruct, alter, maintain or use a sign visible from the main-traveled way of a County Toll Road for the purpose of having the message seen from the main-traveled way of the County Toll Road without first having secured a written permit from the County Engineer.

(b) Exceptions

No permit shall be required under these Regulations for the following on-premise signs, unless the sign is a spectacular sign.

- (1) signs painted on glass surfaces or windows or doors;
- (2) signs erected by Fort Bend County, State of Texas (including its political subdivisions such as cities and school districts), or the Federal Government and the lessees of such governmental entities;
- (3) railroad safety signs;
- (4) legal notices and house numbers;
- (5) signs not over forty (40) square feet in area explaining that a building or other structure is under repair or construction or advertising the sale or rental of the premises; provided said signs comply with all other provisions of these regulations related to height and placement;
- (6) temporary signs, provided the number of such signs on any premise does not exceed one (1) per frontage road, and provided such signs are displayed on consecutive days for a maximum of seven (7) days in any thirty (30) day period, and the size of the sign shall not exceed thirty (30) square feet;
- (7) signs required by Federal, State, or local laws;
- (8) signs erected solely for or relating to a public election for a period commencing sixty (60) days prior to and for ten (10) days following such public election, provided that such unpermitted sign shall be located on private property only, shall be constructed of lightweight material, and shall not exceed fifty (50) square feet in

size;

(9) on-premise signs setting forth the location of or directions to parking or buildings located on the premises, or regulating the flow of on-premise traffic, provided such signs shall not exceed ten (10) square feet in size. Such directional signs may be lighted, consistent with the requirements of any applicable building codes;

(10) signs which form an integral part of a canopy or marquee entrance and state only the street number, provided that the number of such signs shall not exceed the number of entrances for such premises and the size of such signs shall not exceed ten (10) square feet;

(11) signs carrying only non-commercial or non-profit messages, provided such signs conform to the requirements in Sections 10, 11, and 12 of these Regulations; and

(12) "motorist information panel" signs authorized by order of Commissioners Court pursuant to Subchapter B of Chapter 395 of the Texas Transportation Code.

(c) Prohibited Signs

No permit may be granted for the following:

(1) signs which do not conform to these Regulations;

(2) off-premise signs, except those authorized by an operating permit as provided in this Section;

(3) roof signs;

(4) projecting signs, except marquee signs, which conform to Section 10;

(5) signs employing a stereopticon or motion picture machine;

(6) signs containing lights which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the main-traveled way of a County Toll Road;

(7) spectacular signs, except otherwise conforming signs which use moving or intermittent lights to give time, date, temperature, weather, or stock market reports; and

(8) the erection and maintenance of strings, pennants, flags, twirlers,

propellers, flares, balloons, noise creating wind devices, inflatable displays and similar devices of carnival character, including wind devices activated by natural or artificial means, are prohibited, except:

(i) National, State, and local governmental flags as well as flags of other political subdivisions, provided such flags are properly displayed from either freestanding or wall-mounted flagpoles.

(ii) Corporate and institutional flags properly displayed from permanently located freestanding or wall mounted flagpoles, provided such flags are limited in number to one (1) per frontage road, with a maximum of two (2) per premises.

(iii) Holiday decorations in season, provided such decorations are removed within twenty (20) calendar days of the passing holiday to which they pertain.

(iv) Streamers, pennants, and displays calling attention to the grand opening of a completely new business shall be permitted, provided no premises shall be permitted to utilize such devices for more than sixty (60) consecutive calendar days.

(v) Displays used strictly for non-commercial or non-profit purposes, provided such displays conform to applicable building, fire, and safety codes, and contain no flashing, blinking, or searching lights or mechanically moving parts.

(9) No portable sign as defined in Section 03(b)(2) of these regulations may be placed along any Fort Bend County Toll Road.

(d) Relocation of Certain On-Premise Signs

Notwithstanding the provisions of this Section, any on-premise sign which has a valid operating permit and which exceeds the height and size limitations contained in these Regulations may be relocated on the same premises, if:

(1) the sign is removed from its present location because Fort Bend County acquired the property upon which the sign is located through eminent domain or

purchase; and

(2) the sign is relocated at the height and size indicated on the sign's current permit and without any substantial alterations in the construction materials of the sign; and

(3) the sign otherwise conforms to all other provisions of these Regulations at the time of relocation.

However, nothing in this section shall restrict the right of the County Engineer to remove the sign pursuant to Section 08 of these Regulations.

(e) Existing Signs; Operating Permit

(1) Any existing sign subject to these Regulations which was legally installed prior to the effective date of these Regulations, is not in violation of these Regulations so long as the sign remains in compliance with the previous law or these amended Regulations. A new permit may be secured for a sign upon submission of an application showing that the sign is in compliance with these Regulations, as amended.

(2) When any sign, or a substantial part thereof, is blown down, taken down, destroyed, or removed for any purpose other than maintenance or the changing of letters, symbols or other matter on the sign, it shall not be re-erected or reconstructed except in full compliance with these Regulations. Any sign blown down or damaged must be fully repaired in compliance with these regulations or completely removed within thirty (30) days.

(3) Voluntary change of an existing sign will require full compliance with these Regulations.

(f) Subterfuge

Any permit secured before or after the effective date of these Regulations which, has been secured through subterfuge and is not in full compliance with the provisions of these Regulations, shall be void. Determination of whether a permit is void shall conform to the revocation provisions of Section 08 regarding notice and hearing.

(g) Identification of Signs

Every sign for which a permit is required shall be plainly marked with the name

of the owner, lessee or the sign company erecting and maintaining the sign and shall have affixed a numbered sticker from the County Engineer in a location so as to be conspicuous and easily identifiable from an adjacent public street.

(h) Construction Required

Any permit for construction of a sign shall become null and void unless construction of the sign is completed within one hundred eighty (180) days from the date the permit was issued.

Section 06 - Permit Application

(a) Application Procedure

The application for a permit shall be submitted in such form as the County Engineer may prescribe and shall be accompanied by drawings and descriptive data to verify compliance with these Regulations. Every application shall be executed and verified by the owner of the premises upon which the sign is to be or has been constructed, or the authorized lessee of such premises. If the sign's plans and specifications conform to all requirements of these Regulations, the County Engineer shall issue the permit. A permit issued under these Regulations does not authorize construction of a sign in violation of any other land use restriction, ordinance, regulation or statute.

(b) Address and Agent for Service of Process

Any person applying for a permit under the terms of these Regulations shall at all times maintain an office or an agent within Fort Bend County. The current address of the office or agent shall be filed with the County Engineer.

Section 07 - Sign Maintenance

All signs shall be kept in good repair and, unless of galvanized or non-corroding metal or treated with appropriate wood preservative, shall be thoroughly painted as often as good maintenance necessitates. All braces, bolts, clips, supporting frame and fastenings shall be free from deterioration, termite infestation, rot or loosening. If any sign is not appropriately maintained, the County Engineer shall give written notice to

the permit holder or the authorized agent to maintain or to remove the sign within thirty (30) days from the date of the notice.

Section 08 - Sign Removal and Relocation; Permit Revocation

(a) **Unlawful Signs**

If any sign is installed, erected, constructed or maintained in violation of any provisions of these Regulations, the County Engineer may initiate enforcement proceedings against the property owner or other person responsible for the sign as authorized in these Regulations, including but not limited to filing criminal charges, initiating revocation proceedings, or requesting that the County Attorney file suit for injunctive relief from the violation. Removal of an unlawful sign, installed, erected, or constructed in violation of a permit or these Regulations shall not be subject to the compensation requirements of Chapter 395.

(b) **Removal of Existing Signs**

Any sign existing at the date of passage of these Regulations which does not conform to its requirements, if such signs were legally and properly permitted or legally and properly exempt from having a permit prior to passage of these Regulations, may be removed by the County Engineer at any time, provided compensation is paid as provided in Section 395.005 of the Transportation Code, and in accordance with other applicable laws including but not limited to Chapter 21 of the Texas Property Code.

(c) **Permit Revocation**

The County Engineer may revoke any permit authorized by these Regulations, if the permitted sign is maintained, or constructed, in violation of these Regulations. If a permit is revoked, the owner, lessee, permittee or person responsible for the sign must remove the sign.

Section 09 - Removal and Revocation Procedure

The County Engineer shall give all written notices to alter or remove a sign or revoke a permit by certified mail or written notice served upon the property owner, lessee, permittee, or other person responsible for the sign. If the sign is not conforming

within ten (10) days, the County Engineer shall give notice to the owner, lessee, permittee, or person responsible for the sign of a hearing to revoke the permit. The owner, lessee, permittee, or person responsible for the sign shall be given the opportunity to present relevant facts and legal arguments at the hearing. The hearing shall be conducted by the Authority. Any person wishing to appeal the decision of the Authority may do so pursuant to Section 04 of these Regulations.

Section 10 - Construction Requirements

All electrical signs shall be limited to not more than ten (10) bulbs of one hundred (100) watts or less, shall be limited to lighting circuits of one hundred twenty (120) volts, shall contain a sunshade screen dimmer, and shall not use reflectorized lights as part of the face of the sign. For the purpose of this Section, "reflectorized lights" shall mean any lamp constructed with reflector-type materials so as to focus, intensify, flood, or spot such lamp in a certain direction, including, but not limited to, lamps designated by the manufacturers as flood, spot, reflector or flood, reflector spot, reflector light, or clear reflector.

Section 11 - Height, Size, and Quantity Limitations

- (a) The maximum height of a berm sign and its sign structure is twelve (12) feet above grade, except as otherwise provided in Table C of subsection (b) for a subdivision entry monument sign and its sign structure.
- (b) Signs shall be no larger than prescribed in Tables "A", "B", and "C".

T A B L E "A"

<u>WALL SIGNS</u>	
<u>Distance From Toll Road R.O.W. (in Feet)</u>	<u>Maximum Square Footage*</u>
<100	75
100	100
150	200
200	300
250	400
300	500
350	600
400	700
450	800
500	900
500+	1000
* Intermediate distances shall be rounded down for the maximum square footage of signs.	

T A B L E "B"

<u>BERM SIGNS</u>		
<u>Type of Building</u>	<u>Distance From Toll Road R.O.W. (in Feet)</u>	<u>Maximum Square Footage</u>
Single Business	0 - 250	75
	250+	100
Multi-Tenant 2-3 businesses*	infinite	200
More than 2-3 businesses*	infinite	300
* Individual business sign area shall not exceed 100 square feet.		

T A B L E "C"

<u>SUBDIVISION ENTRY MONUMENT SIGNS</u>		
	<u>Maximum Height Above Grade (in Feet)</u>	<u>Maximum Square Footage</u>
Sign	12	200
	<u>Distance From Toll Road R.O.W. (in Feet)</u>	<u>Maximum Height Above Grade (in Feet)^</u>
Sign Structure	0	25
	2-140	26-60**
^ Maximum vertical height of sign and sign structure combined shall not exceed this value.		
** Maximum Height Above Grade of Sign Structure increases by 1 foot for every 2 feet horizontally offset from the Toll Road R.O.W., up to a maximum of 60 feet in height, as determined by the regulations.		

(c) Method of Determining the Area of a Sign

In determining the area of any sign, the dimensions of the rectangle enclosing the signboard, excluding the supporting structure, shall be used. If the sign includes cutouts or facings extending beyond the dimensions of the rectangular signboard, the measurement of sign area shall include the actual area of the cutout or extended facings. For double faced, back-to-back, or V-type signs, each face shall be considered a separate sign in computing the face area.

(d) Quantity

Each business may erect one (1) berm sign on each road fronting the County Toll Road. Unless a business has more than 1,000 feet of frontage along the Toll Road, then one (1) additional berm sign per 1,000 feet of frontage will be allowed; and must meet the size requirement in Table "B", provided the signs are separated a minimum of 500 feet apart. The total number of berm signs shall not exceed five (5) in number per business. In addition, each business may erect one (1) wall sign or marquee sign for each road fronting the County Toll Road. If the site is allowed multiple wall signs the allowable square footage of said signs may be combined into one (1) sign provided that the one (1) sign shall be no larger than twice the smallest allowable single sign.

Section 12 - Restrictions on Certain Signs

(a) Berm Signs

(1) Lighting reflectors on ground signs may project beyond the face of the sign.

(2) Every ground sign shall provide rigid construction to withstand wind action in all directions.

(b) Wall Signs

(1) The surface face of all sign bulletins must be of sheet metal, wood or plastic, but the ornamental molding surrounding the face may be of wood construction.

(c) Marquee Signs

Marquee signs may be attached to or hung from a marquee. The lowest point of a sign hung from a marquee shall be at least eight (8) feet above the sidewalk or ground level, and further, such signs shall not extend or project beyond the corners of the marquee. Marquee signs may be attached to the sides and front of a marquee, and a sign may extend the entire length and width of said marquee, provided no sign shall extend more than six (6) feet above nor one (1) foot below such marquee, nor have a vertical dimension greater than eight (8) feet.

(d) Signs of V-Type or Back-to-Back Construction

(1) The angle between the faces of V-type signs shall be no greater than forty-five degrees (45°) measured back-to-back and the maximum distance at the nearest point between the two backs, as measured at the apex, shall not exceed one and one-half (1 1/2) feet.

(2) Back-to-back signs must be on common supports and the nearest point between the two backs shall not exceed one (1) foot plus the diameter of the intervening upright or support.

Section 13 - Definition of Offense; Penalties

A person commits an offense under these Regulations by knowingly placing,

erecting or maintaining, or causing the placement, erection or maintenance of any sign that violates the provisions of these Regulations. Each day a violation occurs shall constitute a separate offense. Such an offense is a Class C misdemeanor and may be prosecuted as such pursuant to State law.

Section 14 - Permit Fees

The following fees shall be charged to persons desiring to obtain a sign permit from the Fort Bend County Engineer's Office, as appropriate:

- (1) Site inspections.....\$20.00
- (2) Site re-inspection fee
 - 1. Site, hole and final.....\$20.00
- (3) Construction, reconstruction and or operating permit.....\$100.00
- (4) Sign Impound Fee.....\$5.00 a day

PART 2. SEVERABILITY

If any provision of these Regulations or their applicability to any person or circumstance is held to be invalid for any reason, the invalidity does not affect any other provision or applicability of these Regulations which can be given effect without the invalid provision or application, and to this end the provisions of these Regulations are declared to be severable.

PART 3. EFFECTIVE DATE

These Regulations shall take effect and be in force from and after their passage and are so enacted.

CERTIFICATE FOR ORDER

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

We, the undersigned officers of the Commissioners Court (the "Court") of Fort Bend County, Texas (the "County"), do hereby certify as follows:

1. That we are the duly chosen, qualified and acting officers of the Court for the offices shown below our signatures and that as such we are familiar with the facts herein certified.

2. That there is attached to and follows this certificate an excerpt of proceedings from the minutes of a meeting of the Court which is a true, full and complete excerpt of all proceedings from the minutes of the Court pertaining to the adoption of the Order described therein; and that the persons named in such excerpt as the officers and members of the Court or as officers of the County are the duly chosen, qualified and acting officers and members as indicated therein.

3. That a true and complete copy of the Order (the "Order"), as adopted at the meeting described in such excerpt from the minutes, is attached to and follows such excerpt.

4. That the Order has been duly and lawfully adopted by the Court and that the County Judge of the County has approved, and hereby approves, the Order; that the County Judge and the County Clerk of the County have duly signed and attested the Order and each, respectively, hereby declares that the signing of this certificate shall also constitute the signing of the Order for all purposes; and that the Order, as signed, has been duly recorded in the minutes of the Court for such meeting.

5. That each of the officers and members of the Court was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and subject of such meeting of the Court, and that the Order would be introduced and considered for passage at such meeting, and each of such officers and members consented, in advance, to the holding of such meeting to consider and act upon such subject.

6. That written notice of the date, hour, place and subject of the meeting of the Court described in the excerpt from the minutes was posted on a bulletin board located at a place convenient to the public in the County Courthouse of the County; and that such meeting was open to the public as required by law at all times during which the Order and the subject matter thereof were discussed, considered and formally acted

upon, all as required by the Open Meetings Act, Chapter 551, Texas Governmental Code, as amended.

SIGNED AND SEALED the 27 day of August, 2013.

Dianne Wilson

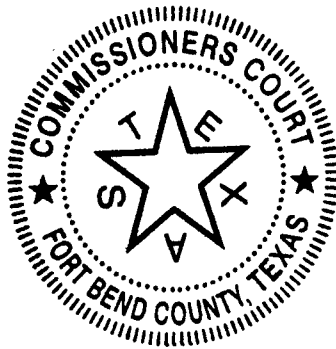
Dianne Wilson
County Clerk

Robert Hebert

Robert Hebert
County Judge

8-27-13

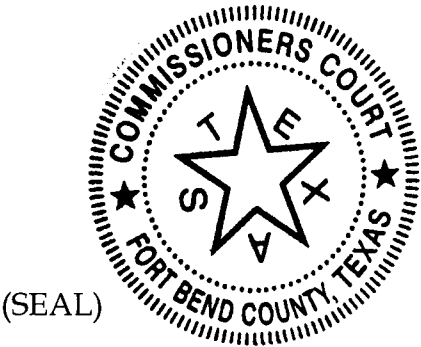
(COMM. CT. SEAL)



THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

I, the undersigned, County Clerk and Ex-Officio Clerk of the Commissioners Court of Fort Bend County, Texas, do hereby certify that the above and foregoing is a true and correct copy of a Order of the Commissioners Court which was passed and adopted on the 27 day of August, 2013, together with a copy of so much of the minutes as show the canvassing of the Court, the names of the members present and absent and the passage and adoption of such Order, all as same appears of record in the minutes of said Court and on file in my office.

WITNESS MY HAND AND THE SEAL OF THE COMMISSIONERS COURT OF FORT BEND COUNTY, TEXAS, this 27 day of August, 2013.



DIANNE WILSON
County Clerk and Ex-Officio Clerk of the
Commissioners Court of Fort Bend County,
Texas

By: *Dianne Wilson*