

ORDINANCE NO. 452

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING ORDINANCE NO. 120 SO AS TO REGULATE THE CONSTRUCTION, INSTALLATION AND LOCATION OF SIGNS, NAME PLATES, BULLETIN BOARDS AND BILLBOARDS; REGULATING THE INSTALLATION OF SIGNS UPON PUBLIC PROPERTY; REGULATING THE INSTALLATION OF POLITICAL ADVERTISING SIGNS ON PRIVATE PROPERTY; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the governing body of the City of Mesquite, Texas, after considering the recommendations of the City Planning Commission duly made after the holding of public hearings and after the issuance of the requisite notices by publication and otherwise, and after holding due hearings in public and affording a full and fair hearing to all interested persons generally, the governing body of the City of Mesquite is of the opinion that Ordinance No. 120 of the City of Mesquite, as heretofore amended, should be amended as provided for herein.

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

Section 1. That Section 3 of Ordinance No. 120 be and the same is hereby amended by amending the "R" Single Family Residential District uses by adding thereto a new section to read as follows:

(10) (a) Signs erected by the municipal, state or federal government for the purpose of public instruction, street or highway designation, control of traffic, and similar uses incidental to the public interest.

(b) Signs of a warning, directive, or instructional nature erected by a public utility or transportation organization which operates under a franchise from the City of Mesquite permitting the use of public property for the display of such signs provided such signs shall be deemed by the City Manager to be necessary for the successful operation of the public utility or transportation organization.

(c) Bulletin boards and signs, illuminated or otherwise, but not of the flashing or intermittent type, for churches, public buildings and facilities,

schools and day nurseries, but not to exceed eighteen (18) square feet in area when erected in the front yard or side yard behind the building line.

(d) Temporary signs pertaining to the sale or rental of property not exceeding eighteen (18) square feet in area and pertaining only to the property on which they are located, but shall be removed by the agent or owner immediately upon the sale or rental of the premises, except that a sign not exceeding four square feet in area and displaying the leasing, renting or selling agent's name, address and phone number along with the word "sold" may remain on the property, provided, however, that no sign advertising the sale or lease of any premises shall advertise the premises for a purpose for which it is not legally zoned. One larger sign announcing or describing a legally approved subdivision or development may be temporarily erected on each approved plat or development provided, however, that such sign shall not exceed two hundred (200) square feet in area, provided, however, that the location of such sign shall be approved by the Building Inspector. It shall be placed so as not to interfere with the occupancy or any use of the lots in the subdivision, and it shall be removed upon the completion of the sale of 90% of the lots or dwellings in the subdivision or if the builder or developer so desires, he may post a performance bond with the City of Mesquite in the amount of \$300.00 insuring that the sign will be removed 30 days after the Building Inspection Department has given final inspection to the last lot or dwelling in the subdivision. One such temporary sign shall be allowed for each side of the subdivision or development exposed to arterial or major streets.

(e) Name plates not exceeding one (1) square foot in area containing only the name and occupation of the occupant of the premises.

Section 2. That Section 3 of Ordinance No. 120 be and the same is hereby amended by amending the "A-1" Apartment District uses by adding thereto a new section to read as follows:

(5) A single name plate or sign for an apartment building or housing project shall be permitted when such sign is affixed flat against the building and does not exceed forty (40) square feet and when the sign is not

of a flashing or intermittently lighted, revolving, rotating or similarly lighted type.

Section 3. That Section 3 of Ordinance No. 120 be and the same is hereby amended by deleting from "A-2" Apartment District uses Subparagraph (4). That from and after the passage of this ordinance the said Subparagraph (4) shall be of no further force and effect.

Section 4. That Section 3 of Ordinance No. 120 be and the same is hereby amended by amending the "LR" Local Retail District uses by adding thereto a new section to read as follows:

(24) "LR" Local Retail District

(a) No signs or billboards other than those pertaining to the occupancy of the premises or commodities sold thereon shall be permitted and such allowable signs shall be of the parapet wall, marquee or flat wall type except standard pole signs not exceeding forty (40) square feet, with a twelve (12) foot maximum dimension from outer edge to outer edge in any direction, shall be permitted for any drive-in facility. One special sign not exceeding one hundred fifty-six (156) square feet in size shall be allowed for each drive-in type facility such as service station or drive-in grocery where such is located on U. S. Highway 80 (I.H.20), U. S. Highway 67 (I.H.30) or the future Outer Loop (I.H.635). No signs or billboards shall be permitted of flashing lighted types, revolving types revolving faster than eight (8) revolutions per minute, or intermittent lighted types with lighting interruptions of less than five (5) second intervals.

(b) In an area consisting of three acres or more, one special shopping center sign will be permitted and additional special signs will be permitted on the basis of one sign for each additional four acres of property contained within the shopping center area, with a maximum not to exceed four such signs.

The distance for determining height of any permitted special sign will be measured (at right angles) from the adjacent residential or street property line rather than from any property line within the shopping center, local retail or manufacturing area itself. Special signs may be erected to a height of 2 1/2 standard stories (28'9") when located a distance of twenty-five (25) feet from the property line and may be extended in height in an

increasing ratio of one additional foot of height for each one foot additional setback to a maximum height of fifty (50) feet, and such special signs shall not exceed an over-all horizontal width of forty (40) feet.

A special sign shall not be located nearer than seventy-five (75) feet measured from the adjacent residential property line or nearer than twenty-five (25) feet from any street property line.

Where the area is sufficient to permit more than one special sign within the permitted area, no such sign shall be located nearer than two hundred (200) feet to any other special height sign and no special sign permitted under these regulations shall be of the flashing lighted type or intermittent lighted type with lighting interruptions of less than five (5) second intervals. Special shopping center signs of directional nature for parking areas, such directional signs not to exceed twenty-five (25) square feet in area, shall be allowed when placed flat against the building or erected as free standing signs or similar types but not involving flashing lighted types, revolving types revolving faster than eight (8) revolutions per minute, or intermittent lighted types with lighting interruptions of less than five (5) second intervals.

Section 5. In the "LB" Local Business District, "C" Commercial District, and in the "CB" Central Business District all signs authorized and permitted by more restrictive districts shall be permitted.

Section 6. In the "I" Industrial, "LM" Light Manufacturing and "HM" Heavy Manufacturing Districts, all signs authorized for more restrictive districts shall be permitted, including billboard or advertising commercial signs.

Section 7. That Section 4 of Ordinance No. 120 be and the same is hereby amended by adding thereto a new section to read as follows:

(21) (a) Any sign not otherwise authorized in any district.

Section 8. Installation of Advertising Signs on a Street Right of Way and Other Public Property Prohibited.

(a) Permission shall be granted as a special privilege to home builders to erect temporary directional signs for week-end advertising. Signs shall not be placed

earlier than 1:00 p.m. Friday and shall be removed no later than 1:00 p.m. Monday. If signs are left later than this time, they will be picked up by the City of Mesquite forces and kept for redemption for a period of three (3) days. Thereafter the signs will be destroyed.

Section 9. Permission shall be granted as a special privilege for the erection of political advertising signs on private property only with the owner's consent. The sign shall not exceed thirty-six (36) square feet.

Section 10. All ordinances and parts of ordinances in conflict herewith are hereby repealed, and all other ordinances of the City of Mesquite not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 11. Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not effect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not effect the validity of the Comprehensive Zoning Ordinance as a whole.

Section 12. That any firm, person or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance No. 120 of the City of Mesquite, as heretofore amended, and upon conviction shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

Section 13. The fact that the present zoning regulations are inadequate to properly regulate the installation, construction and location of signs creates an urgency and an emergency for the preservation of the public health, safety and welfare and requires that this ordinance shall take effect immediately from and after its passage and the publication of the caption of this ordinance as the law and charter in such cases provides.

DULY PASSED BY THE CITY COUNCIL of the City of Mesquite, Texas, on the 1 day of October, 1962.

APPROVED:

B. W. C. [Signature]
MAYOR

APPROVED AS TO FORM:

[Signature]
ATTORNEY

DULY ENROLLED:

CITY SECRETARY