

ORDINANCE NO. 3965

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY MAKING CERTAIN ADDITIONS AND DELETIONS IN ARTICLES I AND IV OF CHAPTER 13 THEREBY UPDATING THE REGULATIONS ON SIGNS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council finds that due to changes in the City's growth and development and in technology it would be beneficial to update certain of the regulations relating to signs through amendments to such regulations; and

WHEREAS, the City finds that the current regulations prohibiting the placement of additional billboards in the City have been beneficial in reducing visual clutter and improving the image of the City, that an attractive City will encourage desirable economic development and benefit all citizens; and

WHEREAS, together with the benefits of prohibiting billboards and taking note of the environmental study by Stephen Klineberg, PHD. of Rice University Department of Sociology, published in May 2001, finding that 79 percent of persons did not want more billboards on Texas highways, the City finds that the current billboard prohibitions have merit and should be updated, strengthened and continued; and

WHEREAS, the City Council of the City desires to protect the health, safety, property and welfare of the citizens of the City; and

WHEREAS, it is the desire of the City Council to protect the public, the economic base of the City and the communication rights of all corporate and individual citizens; and

WHEREAS, the City Council finds that reasonable control of the size, number and location and maintenance of signs in the City and the City's extraterritorial jurisdiction is beneficial to all citizens.

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

SECTION 1. That Chapter 13 of the Code of the City of Mesquite is hereby amended by making certain additions and deletions to Articles I and IV of Chapter 13 to read as follows, in all other respects said Code, Chapter and Articles shall remain in full force and effect:

1. *Article I, Section 13-1.* Amend by deleting the definitions of *electronic display screen, electronic message center, erect* and *monument sign* and adding the definitions of *blade sign, electronic display screen, electronic message center, erect, low-clearance monument sign, monument sign* and *roof sign* to Section 13-1 to read as follows:

Blade sign means a small pedestrian-oriented sign that projects perpendicular from a structure.

Director means the Director of Community Development.

Electronic display screen means a sign or portion of a sign that displays an electronic image or video which may or may not include text, including television screens, plasma screens, digital screens, flat screens, LED screens, tri-vision technology, video boards and holographic displays.

Electronic message center means a sign or portion of a sign that uses LED technology to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Erect means to build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs on the interior or exterior surface of a building or structure.

Low-clearance monument sign means a variant of a monument sign that is supported by two short masonry columns or poles encased in masonry and which has a vertical clearance between the columns or poles of less than six feet from the bottom of the sign face to the adjacent grade.

Monument sign means a freestanding sign constructed on a base that appears to rest flush with the adjacent grade and where the width of the monument does not exceed 120 percent of the width of the base.

Roof sign means a sign that is mounted on the roof of a building and which projects above the highest point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof, or the deck line of a building with a mansard roof.

2. *Article I, Sections 13-2.5, 13-3, 13-3.5, 13-4, 13-5.* Amend by renumbering Sections 13-2.5, 13-3, 13-3.5, 13-4 and 13-5 to Sections 13-3, 13-4, 13-5, 13-6 and 13-7, respectively.
3. *Article I, renumbered Section 13-5(1).* Amend by deleting the renumbered Section 13-5(1) in its entirety and adding a new Section 13-5(1) to read as follows:
 - (1) *City Council authority.* The City Council is hereby given the authority to hear and grant variances to the provisions of this Chapter relating to the utilization of on-premise signs whose composition includes an electronic display screen which may also include variances to the provisions of this Chapter relating to the height and size of permitted signs.
4. *Article I, renumbered Section 13-6(3).* Amend by deleting the renumbered Section 13-6(3) in its entirety and adding a new Section 13-6(3) to read as follows:

- (3) A nonconforming sign structure may not be replaced by another nonconforming sign structure except where damage caused by weather conditions beyond the control of the owner, excluding ordinary deterioration, warrant the sign's repair.
5. *Article IV, Section 13-72(9)*. Amend by deleting the section in its entirety and adding a new Section 13-72(9) to read as follows:
 - (9) *Signs on or over public property*. No portion of any sign shall be erected on or over public property unless the same is erected by the City or with permission of the City for public purposes.
6. *Article IV, Section 13-72(11)*. Amend by deleting the section in its entirety and adding a new Section 13-72(11) to read as follows, and renumbering the current Section 13-72(11) to Section 13-72(12):
 - (11) *Off-premise signs with electronic display screens*. No person shall use an electronic message center or an electronic display screen in conjunction with any off-premise sign, including billboards.
7. *Article IV, Sections 13-73(3) through 13-73(16)*. Amend by deleting the current Sections 13-73(3) through Section 13-73(9) in their entirety and adding new Sections 13-73(3) through 13-73(10) to read as follows, and renumbering the current Sections 13-73(10) through Section 13-73(16) to Section 13-73(11) through 13-73(17), respectively:
 - (3) *Blade signs*. Blade signs are permitted only within form-based zoning districts in accordance with the specifications thereof.
 - (4) *Builder's directional signs* (temporary). To encourage home development in the City, homebuilders may erect temporary off-site directional signs as follows:
 - (a) *Weekend directional signs*.
 1. Homebuilders desiring to direct traffic to projects under construction in the City by use of weekend directional signs must first obtain a permit to do so. It shall be unlawful and an offense to place or permit the placement of a sign without a permit. The cost of that permit shall be \$250.00 per quarter per calendar year.
 2. The regulations for placement of the weekend directional signs will be printed on the permit. Violation of the regulations will result in the following penalties:
 - a. Signs found in violation will be collected by the City and kept for redemption for a period of three days. Thereafter, the signs will be destroyed. The fee for redeeming these signs shall be \$5.00 per sign.

- b. Three violations in a 45-day period constitute grounds for revocation of the permit. Any number of violations occurring in one weekend constitutes one violation.
3. The following regulations apply to weekend directional signs:
 - a. The signs may not be illuminated and may be placed on public right-of-way between the hours of noon on Friday and until noon on the following Monday.
 - b. Signs may not exceed five square feet in area and may not exceed 40 inches in height.
 - c. The edge of signs shall be placed no closer than three feet from the street curb or edge of the pavement.
 - d. Signs for any one homebuilder must be separated by at least 300 feet or one city block, whichever is less.
 - e. No sign may be placed closer than 25 feet from an intersection.
 - f. Temporary directional signs shall not obstruct the vision of traffic on the roadway and never shall be placed in the median.
 - g. Signs may be placed in front of or alongside of any occupied residence only with the prior written permission of the occupant.
 - h. Signs may not be dented, faded, punctured or unclean.
 - i. Signs may only direct traffic to projects located within the city limits.
- (b) *Thirty-two square-foot off-premise directional signs.*
1. The permit fee for off-premise directional signs will be \$250.00 per sign, per period of approval. The initial approval period will be for one year. Renewals may be granted in six-month increments as long as the homebuilder has lots remaining to be developed.
 2. The permit will contain regulations for placement of such signs. Violation of any regulation will constitute a violation of this Chapter and, in addition to other penalties, may result in revocation

of the permit.

3. Specifications for such signs are as follows:
 - a. Maximum size is 32 square feet.
 - b. Maximum height is 10 feet.
 - c. A 30-foot separation shall be maintained from all other 32-square-foot signs.
 - d. Signs may not be illuminated.
 - e. Signs shall not obstruct traffic visibility.
 - f. If such a sign is located within 660 feet of an interstate highway, it must conform to applicable State law.
 - g. Signs may not be erected in excess of a three-mile radius of the project to which they are directing traffic.
 - h. A homebuilder may place only one sign at a given location. A maximum number of five homebuilders' signs may be placed at a location.
 - i. Back-to-back signs on the same support constitute one sign. V-shaped or L-shaped signs are not allowed.
 - j. Signs for any one homebuilder along a straight route must be separated by at least one-half mile. A homebuilder may place a sign at less than one-half mile when the route to a location makes a change of direction.
 - k. All temporary directional signs shall be removed upon the completion of the sale of 90 percent of the homebuilder's lots. Final inspection for the last dwelling will not be completed until all such signs have been removed.

(5) *Development signs (temporary).*

- (a) A sign announcing or describing a legally approved subdivision may be temporarily erected for each subdivision. An approved subdivision is one that has been accepted by the City for which building permits can be issued. Such signs shall not exceed 25 feet in height or 200 square feet in area. One development sign shall be allowed for each side of the subdivision exposed to arterial or major streets at a location approved by the Building Official. Where there are multiple homebuilders within a

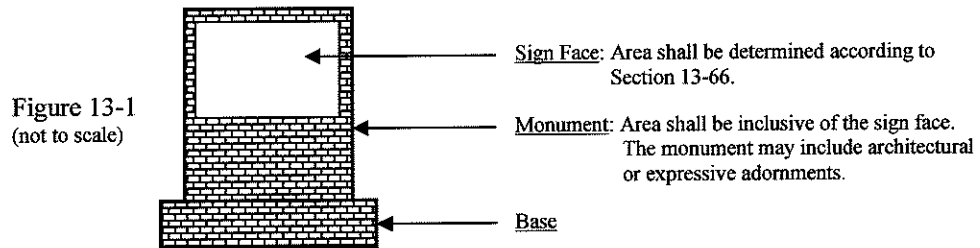
subdivision, only one such development sign will be allowed for each homebuilder with 50 or more developable lots in the subdivision.

- (b) All development signs shall be removed upon the completion of the sale of 90 percent of the homebuilder's lots or dwellings in the subdivision or, at the homebuilder's option, the homebuilder may post a \$500.00 performance bond with the City insuring that their sign(s) will be removed 30 days after Building Inspection's final inspection of the last dwelling.
- (6) *Electronic display screen.* An electronic display screen may be permitted only by City Council variance pursuant to the procedure and criteria set forth in Section 13-5.
- (7) *Electronic message center signs.*
 - (a) Electronic message center signs are permitted where signs, other than temporary signs, are permitted by this Chapter with the same height, size and setback requirements applicable thereto.
 - (b) Messages displayed shall not change more rapidly than once every five seconds.
- (8) *Garage sale signs (temporary).* One sign announcing a garage sale may be displayed on the premises where the garage sale is being conducted. A maximum of six signs giving the location of or direction to a garage sale shall be allowed to be displayed on private property other than the premises where the garage sale is being conducted. In addition, the following restrictions apply to garage sale signs:
 - (a) Signs must be removed within four hours of completion of the sale.
 - (b) Placement of signs on overpasses, utility poles, trees, medians, traffic signs or other such public property is expressly prohibited.
 - (c) The sign may be a maximum size of five square feet and a maximum height of 40 inches.
 - (d) Signs shall not be placed in such a way as to create a traffic hazard. The edge of signs shall be placed no closer than three feet from the street curb or edge of the pavement.
 - (e) Signs must be securely anchored and may not be mounted on or placed in vehicles.
- (9) *Inflatable signs (temporary).* Inflatable signs are permitted with the following restrictions:

- (a) A permit must be obtained prior to placement of an inflatable sign. The fee for such permit shall be \$75.00 for each period of placement.
- (b) The sign must be set back a minimum of 10 feet from any property line.
- (c) A permit holder will be allowed to place one sign for three, 10-day periods per calendar year. Periods may not run consecutively.
- (d) Placement of signs on City right-of-way is prohibited.
- (e) Signs and their anchors or attachments shall not be placed in such a way as to create a traffic hazard.
- (f) Signs must be securely anchored.

(10) *Monument sign.*

- (a) A monument sign shall consist of a base, a monument, and the sign face, as illustrated in Figure 13-1.



- (b) One monument sign is allowed per 300 linear feet of street frontage, or portion thereof, as follows; provided that after July 7, 2008, no new monument sign shall be permitted on property that has a pole sign and no new pole sign shall be permitted on property that has a monument sign:
 1. A sign face may have a maximum area of 50 square feet. The area of the base shall not exceed 50 percent of the area of the monument.
 2. A sign shall be set back a minimum of 10 feet from any property line.
 3. The sign shall have a base. The sign face shall be affixed to, mounted upon, or encased by a monument, with an exterior frame or side margin of not less than six inches. The base and monument (exclusive of architectural or expressive adornments) shall consist of unitized masonry using the same material combination and color as the principle façade of the primary structure.

4. A sign may have a maximum height of 10 feet, including the base, above the adjacent grade. Creating a grade by berming or adding fill to increase the height of the sign is prohibited.
5. A landscaped area equal to or greater in size than the combined surface area of the monument and base shall be installed around the base of the sign.
6. A sign shall be located a minimum of 60 feet from any other sign; provided that on a parcel with a street frontage greater than 300 linear feet, the minimum distance between each monument sign shall be 150 feet.

(c) The number, size, height or appearance of monument signs may be adjusted as follows under the following circumstances:

1. The maximum area of the sign face may be increased to 75 square feet if all pole signs on the parcel are removed within sixty days immediately prior to issuance of the permit for the monument sign.
2. For parcels with a street frontage greater than 150 feet and occupied by a multi-tenant building or a Planned Development office/industrial park, the area of the sign face may be increased to 100 square feet, and the height of the sign may be increased to 20 feet, including the base, above the adjacent grade. The width of the monument shall not exceed one-half the height of the sign. The area of the base shall not exceed 50 percent of the area of the monument.
3. On a street frontage that abuts the right-of-way of a highway with a legal posted speed limit of 55 m.p.h. or greater, the Director may by agreement approve, in lieu of a monument sign, a low-clearance monument sign that varies from the maximum height, area and materials specifications of this section taking into account the width of the parcel, the number of uses conducted thereon, the obstructions, if any, that impede visibility from the highway, the spatial relationship to other signage, the architectural character of the primary structure, and the visual context of the highway corridor.

8. *Article IV, Section 13-75(4)*. Amend by adding a new Section 13-75(4) to read as follows:

- (4) *Zoning - form-based districts*. Notwithstanding any other provision in this Chapter, form-based district regulations relating to signage shall supersede provisions of this Chapter.

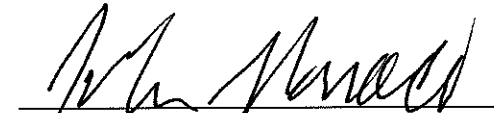
SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court, shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars for each offense.

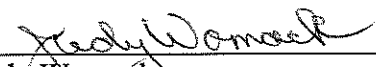
SECTION 5. That due to changes in growth, development and technology the present ordinances of the City of Mesquite regulating signs require updating, creates an urgency and an emergency for the preservation of the public health, safety, and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of July, 2008.




John Monaco
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B.J. Smith
City Attorney