

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY DELETING SECTIONS 13-6(4), 13-71, 13-73(10)(B) AND 13-73(10)(C) IN THEIR ENTIRETY AND ADDING NEW SECTIONS 13-6(4), 13-71, 13-73(10)(B) and 13-73(10)(C) THEREBY UPDATING THE REGULATIONS ON NONCONFORMING AND OBSOLETE SIGNS AND SPECIFICATIONS FOR MONUMENT SIGNS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE.

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, Texas, is hereby amended by deleting Sections 13-6(4), 13-71, 13-73(10)(b) and 13-73(10)(c) in their entirety and adding new Sections 13-6(4), 13-71, 13-73(10)(b) and 13-73(10)(c) to read as follows, in all other respects said Code shall remain in full force and effect:

1. *Sec. 13-6(4).* Amend by deleting the section in its entirety and adding a new Section 13-6(4) to read as follows:
 - (4) A nonconforming sign shall be removed or modified to conform to this Chapter upon the occurrence of any of the following conditions:
 - (a) The business, person or activity that the sign identifies or advertises has ceased to operate for more than one year on the premises on which the sign is located; or
 - (b) The premises is rezoned, platted or replatted, or receives a variance or special exception, which allows the property to be occupied by a use or developed in a manner not previously allowed.

2. *Sec. 13-71.* Amend by deleting the section in its entirety and adding a new Section 13-71 to read as follows:

Sec. 13-71. Removal of obsolete signs.

All signs relating to a product no longer available for purchase by the public and all signs relating to a business which has been closed for at least six months or has moved away shall be termed obsolete. All advertising copy or sign faces shall be immediately replaced to advertise an available product, or a new business once the premises are reoccupied, and painted wall signs shall be immediately painted over with a color that resembles or matches the wall. If the owner of, person responsible for the sign or the tenant closing the business fails to replace or paint over the sign, the owner of the premises shall be responsible and the work shall be done within 30 days following the date of obsolescence, or the obsolete sign and sign structure shall be removed.

3. *Secs. 13-73(10)(b) and 13-73(10)(c).* Amend by deleting the sections in their

entirety and adding new Sections 13-73(10)(b) and 13-73(10)(c) to read as follows:

- (b) One monument sign is allowed per 300 linear feet of street frontage, or portion thereof, as follows; provided that after June 16, 2008, no new monument sign shall be permitted on property that has a pole sign on or property that within two years immediately preceding the permit application was part of a larger multi-tenant tract that has a pole sign within the same frontage unless the pole sign is removed, 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. The area of the monument shall not exceed two times the area of the sign face.
 - 2. A sign shall not create a traffic visibility hazard.
 - 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. An irrigated landscaped area consisting primarily of bushes, shrubs and ornamental grasses that is equal to or greater in size than the total surface area of the monument sign 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 or height or appearance of monument signs may be adjusted as follows under the following circumstances:
 - 1. Except when removal of a pole sign is required pursuant to Section 13-6 or as a condition of site development or a certificate-of-occupancy, the maximum area of the sign face may be increased to 75 square feet if all pole signs on the parcel are removed within 60 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. If the sign is greater than 10 feet in height, the width of the monument shall not exceed two-thirds the height of the sign. The area of the base shall not exceed 25 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 compatibility with overlay, form-based or special use districts in close proximity, the architectural character of the primary structure, and the planned or future visual context of the highway corridor.

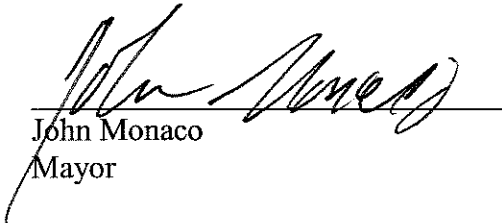
SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

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.

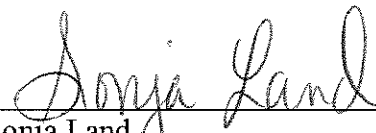
SECTION 5. That this ordinance shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 16th day of February, 2009.




John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney