

ORDINANCE NO. 4135

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY PROVIDING CERTAIN ADDITIONS AND DELETIONS UNDER SECTIONS 13-1, 13-5 AND 13-73 PERTAINING TO ON-PREMISES SIGNS AND CREATING DEFINITIONS AND TIME, MANNER AND PLACE REQUIREMENTS FOR GATEWAY SIGNS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) 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 providing certain additions and deletions under Sections 13-1, 13-5 and 13-73 to read as follows, in all other respects said Code and Chapter shall remain in full force and effect:

- (1) *Sec. 13-1.* Amend by deleting the definition of *on-premises sign* in its entirety and adding new definitions for *gateway sign* and *on-premises sign* to read as follows:

*Gateway sign* means an obelisk, stele, pylon, pillar, column or similar form of monumentation used to demarcate the boundaries of the City or a designated district.

*On-premises sign* means a sign identifying or advertising a business, person, activity, product or organization available on the premises where the sign is located or a sign located on property on which the City Council may grant a variance pursuant to the provisions and criteria set forth in this Chapter in which case the sign may advertise or identify any business, person, activity, product or organization located and/or available in the designated area qualifying for such variance as described in the variance criteria.

- (2) *Sec. 13-5.* Amend by deleting Sections. 13-5(1) and 13-5(2) in their entirety and adding new Sections 13-5(1) and 13-5(2) 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-premises signs whose composition includes an electronic video screen which may also include variances to the provisions of this Chapter relating to the height, size and design of permitted signs.

- (2) *Procedure.* A property owner or the owner's authorized representative may file with the Building Official an application for variance to allow the

placement of an electronic video screen in a location of a permitted sign. Such application may also include a request for variance relating to the height, size and design of a permitted sign and shall be made on a form provided by the City. Upon filing of an application the Building Official will within 10 business days determine if the application is complete. If incomplete, the form shall be returned to the applicant noting the areas of deficiency. If complete, the application will be set on the next available City Council agenda, in accordance with the preset schedule for such meetings, for a public hearing. In no event will the hearing date be more than 45 days from the date the application is deemed complete.

- (3) *Sec. 13-73.* Amend by renumbering Sections 13-73(10) through 13-73(19) to Sections 13-73(11) through (13-73(20) and adding a new Section 13-73(10) to read as follows:

(10) *Gateway sign.*

- (a) Gateway signs shall be located only on public property or private property zoned as Planned Development – Gateway.
- (b) The obelisk, stele, pylon, pillar, column or other form of monumentation shall be a minimum of eight feet in width and a maximum of 50 feet in height. The Director may approve a reduced width when deemed necessary to scale the sign to the amount of public property available. The sign shall be constructed of granite, marble, limestone or comparable high quality architectural stone.
- (c) Placemaking logos, symbols and text shall be etched or fabricated into the monumentation or attached separately to the surface without background. The area of the sign face shall not exceed 50 square feet per side and shall not extend outside the edge of the monumentation.

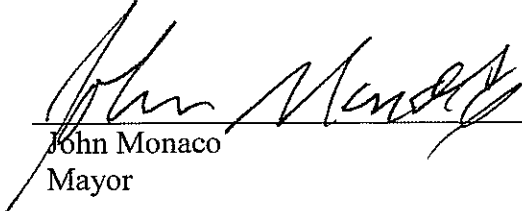
SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

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.

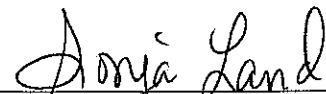
SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court, shall be punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.

SECTION 5. That this ordinance shall become effective immediately from and after its passage.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of March, 2011.

  
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John Monaco  
Mayor

ATTEST:

  
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Sonja Land  
City Secretary

APPROVED:

  
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B.S. Smith  
City Attorney