

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 AND 13-73 PERTAINING TO FREEWAY-ORIENTED MONUMENT SIGNS AND AWNING SIGNS; CREATING TIME, MANNER AND PLACE REQUIREMENTS FOR SAME; 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; AND PROVIDING AN EFFECTIVE DATE THEREOF.

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 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 adding a new definition in Section 13-1 for *freeway-oriented monument sign* to read as follows:

*Freeway-oriented monument sign* means a variant of a monument sign that is used exclusively within certain high-speed roadway corridors.

- (2) *Sec. 13-73(1)(c).* Amend by deleting the section in its entirety and adding a new Section 13-73(1)(c) to read as follows:

- (c) An awning sign attachment shall not be used in conjunction with any other signage that is applied, screened or painted onto the awning. An attachment shall not extend beyond the front edge of the awning. An attachment shall not exceed two feet in height nor exceed 40-square feet in area; provided that an attachment may extend up to four feet in height when no other wall signage in text form is used on the same building face.

- (3) *Sec. 13-73(9)(a).* Amend by deleting the section in its entirety and adding a new Section 13-73(9)(a) to read as follows:

- (a) An electronic message center with a maximum area of 50-square feet may be permitted as a component of a monument sign or a gateway sign, provided that the monument sign shall not exceed 10 feet in height. Electronic message centers shall not be used as a component of any nonconforming sign or other permitted sign type including low-clearance monument signs and freeway-oriented monument signs.

- (4) *Sec. 13-73(14)(c)(3).* Amend by deleting the section in its entirety and adding a new Section 13-73(14)(c)(3) to read as follows:

- (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, one low-clearance monument sign or

one freeway-oriented 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 city-wide visual hierarchy of places and locations where such signs are in use or may be in use in the future; 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.

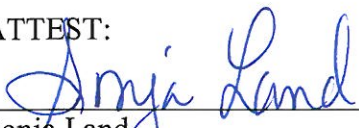
SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.


SECTION 4. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

SECTION 5. That this ordinance shall be effective immediately on and after its passage provided that for any complete sign permit application pending on the effective date of this ordinance that the application shall be governed by the provisions of Chapter 13 in effect on the date that the application was filed, unless the applicant elects in writing to apply all the terms of this ordinance to said application

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 5th day of March, 2012.

  
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John Monaco  
Mayor

ATTEST:  
  
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Sonja Land  
City Secretary

APPROVED:  
  
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B. J. Smith  
City Attorney