

ORDINANCE NO. 4368

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY ADDING NEW DEFINITIONS UNDER SECTION 13-1; BY RENUMBERING SECTIONS 13-73(7) THROUGH 13-73(23) TO SECTIONS 13-73(8) THROUGH 13-73(24); BY ADDING A NEW SECTION 13-73(7); BY DELETING SECTIONS 13-73(10)(A) AND 13-73(15)(C)(3) IN THEIR ENTIRETY AND BY ADDING NEW SECTIONS 13-73(10)(A), 13-73(15)(C)(3) AND 13-73(15)(C)(4); BY RENUMBERING SECTIONS 13-75(4)(C) THROUGH 13-75(4)(M) TO SECTIONS 13-75(4)(D) THROUGH 13-75(4)(N); AND BY ADDING A NEW SECTION 13-75(4)(C) 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 PROVIDING AN EFFECTIVE DATE THEREOF.

WHEREAS, the City Council finds that designated district gateways within established overlay, form-based and special use districts play an important role in helping to define the image of the City of Mesquite; and

WHEREAS, well-ordered signage within district gateways can help attract economic development and create a new sense of place that is recognized by businesses both within and outside the City; and

WHEREAS, the City finds that as light emitting diode (L.E.D.) technology changes it is necessary and proper to conform the Sign Code to embrace new sign types that include L.E.D. in a responsible manner and which serve to promote business and protect the general aesthetics of the community; and

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

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 adding new definitions under Section 13-1; by renumbering Sections 13-73(7) through 13-73(23) to Sections 13-73(8) through 13-73(24); by adding a new Section 13-73(7); by deleting Sections 13-73(10)(a) and 13-73(15)(c)(3) in their entirety and by adding new Sections 13-73(10)(a), 13-73(15)(c)(3) and 13-73(15)(c)(4); by renumbering Sections 13-75(4)(c) through 13-75(4)(m) to Sections 13-75(4)(d) through 13-75(4)(n); and by adding a new Section 13-75(4)(c) to read as follows, in all other respects said Code shall remain in full force and effect:

- (1) *Sec. 13-1.* Amend Section 13-1 by adding new definitions for *Canopy Display*, *District Gateway* and *Use* to read as follows:

Canopy display means a variant of a wall sign that is attached to the vertical face of a hard canopy, roof or other covering over an area unenclosed on all sides.

District Gateway means an area with boundaries prescribed by ordinance, which serves as a recognized entrance to an overlay, form-based or special use district.

Use (noun) means the purpose for which premises are occupied by a business, person or activity.

- (2) *Sec. 13-73.* Amend Section 13-73 by renumbering Sections 13-73(7) through 13-73(23) to Sections 13-73(8) through 13-73(24).
- (3) *Sec. 13-73(7).* Amend Section 13-73 by adding a new Section 13-73(7) to read as follows:
 - (7) *Canopy displays.* The total area of all canopy displays on a canopy face shall not exceed 50 percent of the area of the canopy face. The maximum wall sign area for the principal building on the premises shall be reduced by the aggregate area of all canopy displays. A canopy display may include an electronic message center consisting of no more than five numbers or letters or combination thereof which do not change more rapidly than once every 12 hours. Each electronic message center shall constitute a separate sign.
- (4) *Sec. 13-73(10)(a).* Amend by deleting Section 13-73(10)(a) in its entirety and adding a new Section 13-73(10)(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. Except as expressly provided herein, 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.
- (5) *Secs. 13-73(15)(c)(3) and 13-73(15)(c)(4).* Amend by deleting Section 13-73(15)(c)(3) in its entirety and adding new Sections 13-73(15)(c)(3) and 13-73(15)(c)(4) 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, or on the primary frontage of a parcel within a district gateway that includes such a right-of-way, 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.

4. On a parcel within a district gateway, the maximum height of a monument sign, or a low-clearance or freeway-oriented monument sign, may be increased by 50 percent.
- (6) *Sec. 13-75(4)*. Amend Section 13-75(4) by renumbering Sections 13-75(4)(c) through 13-75(4)(m) to Sections 13-75(4)(d) to 13-75(4)(n).
- (7) *Sec. 13-75(4)(c)*. Amend by adding a new Section 13-75(4)(c) to read as follows:
- (c) *Canopy displays*.


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 Five Hundred (\$500.00) 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.

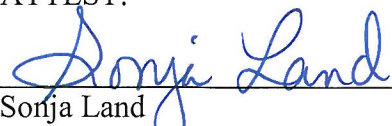
SECTION 5. That this ordinance shall be effective immediately on and after its passage provided that for any complete sign permit application pending on the effective date of this ordinance that the application shall be governed by the provisions of Chapter 13 in effect on the date that the application 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 20th day of July, 2015.



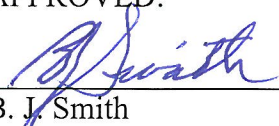
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney