

ORDINANCE NO. 2012-08-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS BY AMENDING CHAPTER 134, "SIGNS" BY REVISING THE PERMIT FEE SCHEDULE; AMENDING THE TIME LIMIT FOR COMPLETION OF WORK UNDER A PERMIT GRANTED UNDER CHAPTER 134; ESTABLISHING A PRESUMPTION REGARDING VIOLATIONS OF CHAPTER 134; REVISING AND ADOPTING NEW SIGN DEFINITIONS; AMENDING THE PERMIT TIME PERIOD FOR SEARCHLIGHTS; ESTABLISHING ADDITIONAL PROHIBITED SIGNAGE; PROHIBITING BILLBOARDS; ESTABLISHING EXCEPTIONS FOR BILLBOARDS CURRENTLY IN EXISTENCE; REVISING ON-PREMISE DETACHED GROUND OR POLE SIGN REGULATIONS; ESTABLISHING REGULATIONS RELATED TO GRAND OPENING, CHANGEABLE ELECTRONIC VARIABLE MESSAGE, DIRECTIONAL KIOSK, AND TEMPORARY DIRECTIONAL SIGNS; REVISING REGULATIONS REGARDING PROJECTING SIGNS; REVISING AND ESTABLISHING ADDITIONAL SIGN EXEMPTIONS; ESTABLISHING A PENALTY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of McKinney, Texas (the "City") is a Home Rule City possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter; and

WHEREAS, the City Council of the City of McKinney, Texas ("City Council"), possesses, pursuant to Chapter 216 of the Texas Local Government Code, as amended, the ability to regulate signs in the City limits and in the City's extra-territorial jurisdiction ("ETJ"); and

WHEREAS, the City Council enacted chapter 134 of the Code of Ordinances regulating signs within the City and the City's ETJ; and

WHEREAS, the City Council has determined a necessity, based upon the recommendations of the City's planning and zoning commission, to amend chapter 134; and

WHEREAS, the City Council finds that the amendment of chapter 134, relating to sign regulations, is in the best interest of the health, safety and welfare of the citizens of the City.

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

Section 1. All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. Chapter 134, "Signs," of the Code of Ordinances of the City of McKinney is hereby amended in part to read as follows:

"Chapter 134 – SIGNS.

Sec. 134-1. - Purpose and intent.

Sec. 134-2. - Administration.

Sec. 134-3. - Permit; penalty for violation of chapter.

Sec. 134-4. - Definitions.

Sec. 134-5. - Prohibited signage.

Sec. 134-6. - All zoning districts.

Sec. 134-7. - Business and agricultural zoning districts.

Sec. 134-8. - Nonbusiness zoning districts.

Sec. 134-9. - Downtown commercial historic district.

Sec. 134-10. - Multiple-building lot coordinated signage.

Sec. 134-11. - Nonconforming signs; removal of signs by city; exceptions; variances.

Sec. 134-1. - Purpose and intent.

Regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities in the corporate limits of the city, to encourage the general attractiveness of the community and to protect property values therein. Accordingly, it is the intention of this chapter to establish regulations governing the display of signs and in part to achieve the following:

- (1) *Safety.* To promote the safety of persons and property by providing that signs:
 - a. Promote and protect the public health, safety, comfort, morals and convenience;
 - b. Do not obstruct firefighting or police surveillance; and
 - c. Do not overload the public's capacity to receive information or increase the probability of traffic congestion and accidents by distracting attention or obstructing vision.

- (2) *Communications efficiency.* To enhance the economy and the business and industry of the city by promoting the reasonable, orderly and effective display of signs and thereby encourage increased communication with the public, so that:
 - a. Businesses and services may identify themselves;
 - b. Customers and other persons may locate a business or service;
 - c. Signs are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of the identity of proprietors and other persons displaying signs; and
 - d. Persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.

- (3) *Environment quality and preservation.* To protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:
 - a. Do not interfere with scenic views, and protect and preserve the unique and natural beauty and historic values of the city;
 - b. Do not create a nuisance to persons using the public rights-of-way;
 - c. Do not create a nuisance to the occupancy of adjacent and contiguous property by their brightness, size, height or movement; and
 - d. Are not detrimental to land or property values.

Sec. 134-2. - Administration.

The provisions of this chapter shall be administered and enforced by the inspection department.

Sec. 134-3. - Permit; penalty for violation of chapter.

- (a) *Required.* It shall be unlawful for any person to erect, conduct major repair of or relocate any sign within the city without first obtaining a permit to do so from the inspection department or its designated representative. Minor repair, however, is allowed without a permit, as defined in section 134-4.
- (b) *Application.* Application for a permit required by this chapter shall be made upon forms provided by the inspection department.
- (c) *Insurance.* Every applicant for a permit under this chapter for attached, detached and billboard signs erected or maintained in accordance with section 134-7(a), (b), and (c) shall carry a liability insurance policy (minimum \$20,000.00), which covers the subject sign during erection. The policy must be carried by an approved insurance company authorized to do business in the state. A bond covering the subject sign will also be acceptable. Proof of liability coverage shall be submitted by means of a certificate.
- (d) *Refusal of permit for failure to pay costs.* The inspection department may refuse to issue a permit under this chapter to any person who has refused or failed to pay any costs relating to signs.
- (e) *Approval of permit by electrical inspector.* The application for a permit for the erection of a sign in which electrical wiring and connections are to be used shall be approved by the electrical inspector prior to submission of the application to the inspection department for final approval.
- (f) *Permit fee schedule.* All attached, detached and nonpremises signs, except those exempted from the provisions of this chapter, shall be charged a permit fee calculated from the sign valuation based on the fee schedule set forth in Appendix A of the Code of Ordinances, which may be amended from time to time by ordinance.
- (g) *Issuance.* It shall be the duty of the inspection department, upon the filing of an application for a permit under this chapter, to examine the plans and specifications and other data and the premises upon which the sign is proposed to be erected; and, if it shall appear that the proposed sign is in compliance with all the requirements of this chapter, the building code and all other laws and ordinances of the city, the permit shall then be issued.
- (h) *Time limit for completion of work.* If the work authorized by a permit issued under the provisions of this chapter has not been completed within 90 days after the date of issuance of the certificate of occupancy or the issuance of a sign permit, whichever is later, the permit shall become null and void.
- (i) *Revocation.* All rights and privileges acquired under the provisions of this chapter or any amendment hereto are mere licenses, revocable at any time by the city council, and all permits issued hereunder shall contain this provision.
- (j) *Penalty.* Any person, firm, corporation, association, or other entity who shall violate any of the provisions of this chapter or cause or permit the same to be done in violation of this chapter shall be guilty of a class C misdemeanor and, upon conviction, shall be subject to a fine not to exceed the maximum permissible fine

allowed by state law. It shall be presumed that a person, firm, corporation, association, or other entity is responsible for the violation if the person, firm, corporation, association, or other entity is (1) the permit holder for the sign, or (2) the owner, operator, agent, or manager of an entity or business that, or a person who, is promoted by the sign or listed on the sign as responsible for the sign. This presumption may be rebutted if the named violator provides the full name, date of birth, physical and mailing address, and telephone number or numbers for the person, firm, corporation, association, or other entity responsible for the violation.

Sec. 134-4. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Automobile dealership sign franchise means franchises that are granted specifically by a motor vehicle manufacturer to an authorized dealer for sales only of a specific make of motor vehicle such as Ford or Chevrolet.

Building means a structure that has a roof supported by columns, walls or air for the shelter, support or enclosure of persons, animals or chattel.

Facade means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction or in directions within 45 degrees of one another, they are to be considered as a part of a single facade.

Feather flag means a wind device that contains a harpoon-style pole or staff driven into the ground for support.

Frontage or property frontage means the entire length of the boundary line of any one tract of real property adjacent to a public right-of-way, measured parallel to the right-of-way line in a horizontal manner.

Grand opening means a commemoration that promotes the opening of a new business. A grand opening shall be limited to one (1) occurrence to be held within 90 days of the issuance of a certificate of occupancy from the Building Official and shall not exceed 5 consecutive days in length.

Nameplate sign means any sign showing only the name and address of the owner or occupant of the premises on which it is erected.

Premises means a lot or unplatted tract that is recorded in the city.

Repair, major, means any repair, other than minor repair as defined below, of an existing sign, which through an act of God or other event has become damaged in excess of 60 percent of its replacement cost. Such repair work will require a permit and shall meet all provisions of this chapter. Verification of the percentage of damage will be supplied by the applicant to the permit office, and such verification shall be: two estimates from two different reputable sign companies, stating the total value of the sign and the total value of all costs to repair the sign to its original state. If the applicant agrees that the repair exceeds 60 percent of replacement cost, then the said estimates shall not be required.

Repair, minor, is limited to painting, replacement of defective parts, cleaning or other similar minor maintenance to a sign, which will keep said sign at an acceptable level and which does not change the total area of the sign, and which repair is less than 60 percent of the replacement cost of the sign.

Sign means and includes any writing, letter, word, numeral, pictorial representation, emblem, symbol, trademark, object, design or other identification that is designed or intended to identify, advertise, announce or inform. The term "sign" shall not include:

- (1) Works of art that in no way identify a product or business and that are not displayed in conjunction with a numerical for-profit enterprise;
- (2) Temporary decorations or displays directly incidental to and customary and commonly associated with national, local or religious holiday celebrations; or
- (3) Traffic and other official signs and devices of any public or governmental agency.

Sign, abandoned, means a sign that depicts or refers to a product, business, service, activity, condition or person, which has changed in such a manner that the sign no longer correctly identifies or describes him/it, or which no longer exists at the location referred to in the sign, or which no longer exists in any way or at any place.

Sign, advertisement/identification flag, means and includes flags or insignia that bear identification other than defined in "Sign, government flag."

Sign, attached, means any sign attached to, applied on or supported by any part of a building (such as a wall, roof, window, canopy, awning, arcade or marquee) that encloses or covers usable space and does not extend more than 12 inches from the building facade.

Sign, billboard and/or nonpremises, means a permanent structure sign erected for the purpose of the display of commercial or non-commercial messages which are not related to the products or services sold, manufactured or distributed on the premises on which the sign is located.

Sign, changeable electronic variable message sign (CEVMS), means a sign which permits light, which may be flashing or pulsating, to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all time when such sign is in use, including an LED (light emitting diode) or digital sign, which may or may not vary in intensity or color.

Sign, detached, means any sign permanently placed on or anchored to the ground and structurally independent of any building or other structure.

Sign, detached ground, means a sign having a low profile, either made of or contained within stone, concrete, metal, wood, brick or similar material, which does not exceed six feet in height from the adjacent ground level.

Sign, detached pole, or pole sign, means any sign supported by one or two freestanding poles and having no guys or braces to the ground or to any structure.

Sign, directory kiosk, means a sign within a multi-tenant shopping center, office park or medical center that lists and provides direction to individual tenants within the development or commercial use.

Sign, effective sign area measurement, means the area enclosed by drawing one or more rectangles of horizontal and vertical lines that fully contain all extremities of the sign drawn to scale, exclusive of its supports. The measurement is to be calculated from the viewpoint that gives the largest rectangle of that kind as the viewpoint is rotated horizontally around the sign (reference graphic 1).

Sign, government flag, means flags or insignia of governments or fraternal, religious, civic or educational organizations and institutions that are not used in connection with a commercial promotion or to advertise a commercial product, service, business, activity, condition, or person.

Sign, hanging, means a sign that is attached beneath an awning of canopy of a building.

Sign, human, means a sign held by or attached to a human being who stands or walks on the premises or on adjacent right-of-way at a business location. A human sign includes a person dressed in costume, both for the purposes of advertising and/or otherwise drawing attention to an individual, business, commodity, service, activity or product.

Sign, inflatable, means a sign manufactured of plastic, cloth, canvas or other flexible or light fabric, inflated with air, secured to the ground, and does not exceed 30 feet in height. Inflatable signs are only permitted as part of a grand opening signage display.

Sign, mobile billboard, means an operable vehicle with illuminated or non-illuminated panels, other devices or appendages whose primary purpose is to advertise, promote or draw attention to products, services, events or other similar purpose.

Sign, nonpremises temporary directional, means a temporary sign, generally with a plastic, metal or cardboard back and a wooden or steel stake, used to promote the sale of property, lots or homes within a subdivision.

Sign, on-site vehicle movement control, means a sign that directs vehicular or pedestrian movement within or onto the premises on which the movement control sign is located.

Sign, portable and/or display, means a sign that is not permanently attached to the ground or building or designed to be permanently attached to the ground or building. Portable signs include signs on wheels or on portable or mobile structures, such as, among other things, trailers, skids, banners, tents or other portable structures, A-frame signs, T-shaped signs, airborne devices, or other devices used for temporary display or advertising.

Sign, premises, means any sign the content of which relates to the premises on which it is located, referring exclusively to the name, location, products, persons, accommodations, service or activities on those premises, or the sale, lease or construction of those premises.

Sign, projecting, means a sign attached to a building or extending, in whole or in part, 12 inches or more perpendicular to the surface of the building to which the sign is attached.

Sign, protective, means any sign that is commonly associated with safeguarding the permitted uses of the occupancy.

Sign, roof, means any sign erected upon, against or directly above a roof, or on top of or above the parapet of the building.

Sign, special purpose, means a sign temporarily supplementing the permanent signs on the premises.

Sign support, means any pole, post, strut, cable, or other structural fixture or framework necessary to hold and secure a sign, providing that said support is not used as a sign.

Sign, temporary directional, means a non-premises sign that is temporarily placed to direct potential customers to a place of business and shall include signs placed by homebuilders directing potential customers to a residential development.

Sign, temporary religious, means a temporary sign used to provide the name of and direction to a location occupied by a religious organization or religious group that temporarily operates in a school or other facility. A temporary religious sign identifies the meeting location/address, website information, hours of service, and/or telephone number of a religious organization or group.

Sign, vehicular, means a sign that identifies a vehicle used for a particular business; however, not when the primary use of the vehicle is that of a sign (reference graphic 11).

Sign, wind-driven, means any sign consisting of one or a series of two or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

Zoning district, agriculture, means any zoning district designated by the comprehensive zoning ordinance of the city as an agricultural district; refer to section 146-67.

Zoning district, business, means any zoning district designated by the comprehensive zoning ordinance of the city as a commercial and/or industrial district (BN, BG, C, O, GC, AP, ML, MH, PD), or any other business districts that should replace these or be added to them in the future; refer to article III of chapter 146.

Zoning district, nonbusiness, means any zoning district not designated as a business district in accordance with the definition of "Zoning district, business" (i.e., residential districts RED-1, RED-2, RS 120, RS 84, RS 60, RS 45, RD 30, RG 27, RG 25, RG 18, MP, PD), or any nonbusiness district that should replace these or be added to them in the future; refer to article III of chapter 146.

Sec. 134-5. - Prohibited signage.

The following signs are specifically prohibited, except as otherwise prescribed within this chapter:

- (1) *Certain illuminated signs*. No sign shall be illuminated to an intensity that causes glare or brightness to a degree that

could constitute a hazard or nuisance. Moving, flashing, intermittently lighted, color changing, beacons, revolving or similarly constructed signs shall not be allowed.

- (2) *Signs containing obscene matter.* Signs containing statements, words or pictures of an obscene character.
- (3) *Signs interfering with traffic.* Signs that imitate an official traffic sign or signal, or which contain the words "stop," "go slow," "caution," "danger," "warning" or similar words used on official traffic signs or signals. Signs which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal, or which obstruct the view in any direction at a street or road intersection.
- (4) *Portable and/or display signs.* Portable and/or display signs, except as described in the commercial historic district section of this chapter, section 134-9(10).
- (5) *Painting, marking streets, sidewalks, buildings, utility poles, trees.* No person shall attach any sign, paper or other material to, or paint, stencil or write any name or number (except house numbers) on, or otherwise mark on any sidewalk, curb, gutter, street utility pole, tree, public building or structure unless authorized by this chapter or by the city council or its delegated representatives (reference graphic 2).
- (6) *Signs in, on or over public right-of-way, railroad right-of-way, public easements or designated fire lanes.* No person shall place, erect or allow to be placed or erected any sign in, on or over public rights-of-way and easements, railroad right-of-way or designated fire lanes except as described in the commercial historic district provisions in section 134-9 or if erected by the city for public purposes. Detached signs shall maintain a setback as described in section 134-7(c)(1).
- (7) *Signs on fences, railings, etc.* No person shall paint a sign or attach a sign, other than a nameplate, to the outside of a fence or railing.
- (8) *Searchlights.* Searchlights are prohibited, unless specially permitted through the chief building official. An application for such permit shall be submitted to the chief building official and shall indicate the number of searchlights, time of use, intended purpose, and location. An application for such permit shall be submitted 20 days prior to the city council meeting when the permit is scheduled to be considered and shall indicate the number, time of use, intended purpose, and location. The fee for such permit application is as provided in Appendix A.
- (9) *Roof signs.* Signs that are erected upon or applied to any roof are prohibited. A mansard-style roof shall be considered as part of the building facade and not the roof for the purpose of attached sign location. The term "sign" herein shall not apply to a religious symbol, unaccompanied by lettering, when applied to the cornice, tower or spire of a place of worship.

- (10) *Wind driven signs.* Wind driven signs are prohibited in all zones except as permitted as part of a grand opening event as described in section 134-7(g).
- (11) *Handbills.* It shall be unlawful for any person to scatter, distribute, throw or attach handbills, circulars, cards, tear sheets, or any other advertising device of any description along or upon any street, sidewalk, or vehicle in the city.
- (12) *Banners or pennants.* Banners or pennants, other than those described in section 134-7(c)(8)c and (f), are prohibited; provided, however, that Banners and pennants may be permitted as part of a grand opening event as described in section 134-7(g).
- (13) *Inflatable signs.* Inflatable signs are prohibited in all zones except as permitted as part of a grand opening event as described in section 134-7(g).
- (14) *Temporary directional signs (off-premises).*
- (15) *Billboards.* Billboards which were permitted prior to July 1, 2012, may remain in accordance with the terms of this Ordinance and the Code of Ordinances, as they may be amended.

Sec. 134-6. - All zoning districts.

The contents of this chapter are applicable to the corporate limits of the city only. The following general provisions apply to signs in all zoning districts:

- (1) Detached signs shall be engineered to withstand a wind load of 30 pounds per square foot.
- (2) Abandoned signs shall be removed within 30 days after such business ceases.
- (3) All illuminated signs shall bear the Underwriters' Laboratories, Inc., label or be built in conformance with the city's electrical code requirements, as may be amended. Additionally, illuminated signs shall comply with the following provisions:
 - a. Any light used for the illumination of a sign shall be shielded so that the beams or rays of light shine directly onto the sign and not into surrounding areas.
 - b. Neither the direct nor the reflected light from any light source shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares.
 - c. External illumination is allowed on the following signs:
 - 1. Signs in the city's downtown commercial historical district;
 - 2. Detached signs on tracts 25 acres or greater in industrial zoning districts;
 - 3. Ground signs in business districts; and
 - 4. Institutional signs and apartment signs.
- (4) Any person having an interest in the sign for whom a permit is issued under this chapter shall maintain all parts and supports of the sign covered by such permit in good

condition to prevent deterioration, oxidation, rust and other unsightly conditions.

- (5) The inspection department shall inspect annually, or at such other times as deemed necessary, each sign regulated by this chapter for the purpose of ascertaining whether the same is secure or insecure, whether it still serves a useful purpose, and whether it is in need of removal or repair.

Sec. 134-7. - Business and agricultural zoning districts.

- (a) *Billboards.* New billboards are prohibited. Existing billboards shall be considered non-conforming signs and shall comply with Section 134-11, with the exception of billboards fronting on U.S. Highway 75/Central Expressway, which may be structurally altered and/or replaced, but shall not exceed a height of 40 feet or an area of 300 square feet per side. Height shall be measured from the ground level of the street or road upon which the sign faces (including frontage roads), or from the ground level of the billboard location, if such ground level is above the street or road level.
- (b) *On-premises attached signs.*
 - (1) *Sign allowance.* The total area per face of a sign shall not exceed 1½ square feet of face area for each linear foot of building fascia length. Allowances for individual occupancies within a multiuse building shall be calculated on leased or occupied fascia length. If the lot on which the building is located has multiple right-of-way frontage, each street frontage shall be counted for purposes of determining attached sign allowance. Said signage is to be applied (distributed) on the sides of the building where facing directly adjacent to the public right-of-way. Alternate signage is allowed on sides of the building not adjacent to the public right-of-way not to exceed one-third of the allowance or 25 square feet, whichever is less (reference graphic 3).
 - (2) *Sign location.* Attached signs may be located on a building wall; but, if any part of the sign projects above the ceiling line of the first floor, then no window or part of a window shall be situated within or blocked by the flat wall sign. No such sign shall extend above the roofline of the building or more than 12 inches from the building wall. (See section 134-5(9) for description of roof.) Where such signs are located on mansard-style roofs, and the building fascia is not vertical, the bottom of such sign shall not project more than 12 inches from said roof and the sign can be oriented in a vertical manner. The staff shall promulgate such graphic to illustrate sign location and orientation.
 - (3) *Sign and letter/logo height in relation to building height.*
 - a. For multistory structures, attached signage as described in subsection (b)(1) of this section is allowed between the ground levels to a height of 24 feet.
 - b. For multistory structures that are four stories in height or more, the following standards shall apply to letter/logo height in relation to building height:
 1. Maximum height is as follows:

<i>Height of sign, 4 stories or greater</i>	<i>Maximum letter/logo height</i>
4 stories	36 inches
5 to 10 stories	48 inches
11 to 15 stories	60 inches
16 stories and above	72 inches

2. Additionally, the above table represents the maximum letter and/or logo height in each sign height category. When a sign is totally composed of individually mounted letters, either one letter or one logo may be 25 percent taller than the maximum letter/logo height.
 3. Such signage shall be located between the floor level of the top floor and the top of the fascia wall (reference graphic 4).
- (4) *Projecting signs.* Projecting signs may project a maximum of five feet (5') from the façade of the building and may extend into right-of-way or above a pedestrian walkway or sidewalk as long as the sign is a minimum five feet back from the back of curb. When projecting over a public or private sidewalk, a projecting sign shall have a minimum ground clearance of eight and one-half feet (8.5'). Projecting signs shall be no more than 15 square feet in size.
- (c) *On-premises detached ground or pole signs.*
- (1) Except for signs located within a distance of 50 feet from the right-of-way lines of the linear segments of streets listed in this subsection and situated so as to be viewed from such streets, on-premises, detached advertisement and identification signs shall be restricted to ground signs only. Pole signs shall be allowed only along the following linear segments of streets (reference Table 1 – Pole Signs):

U.S. 75/Central Expressway

Texas Highway 121

University Drive, between Central Expressway and McDonald Street

Note: If the stated linear segment does not reference a beginning or ending cross-street, the segment shall mean the entire length of such street within the corporate limits or from the stated cross-street to the corporate limits, as the case may be.

The city council, upon specific application, may approve an exception to allow a pole sign at a location where prohibited herein if the council determines that a general condition of pole signs exists in the immediate vicinity and the proposed pole sign would be consistent with such established conditions.

- a. *Pole sign regulations.* Where allowed, pole signs shall conform to the following restrictions and limitations (reference Table 1 – Pole Signs):

Table 1 – Pole signs

	0-foot to 70-foot ROW (feet)			71-foot to 99-foot ROW (feet)			100-foot to 250-foot ROW (feet)		Freeway (feet)
Minimum width of lot frontage	50	100	150	50	80	100	100	200	125
Maximum square footage per side	20	30	40	50	60	70	80	100	150
Setback from street ROW line or any property line	5	5	10	10	10	15	15	15	15
Maximum height	*	8	10	20	20	20	24	24	40

*Pole sign not allowed. See regulations for ground signs which follow.

- b. *Ground sign regulations.* Ground signs shall conform to the following restrictions and limitations (Table 2 – Ground Signs):

Table 2 – Ground Signs

	0-foot to 70-foot ROW (feet)			71-foot to 99-foot ROW (feet)			100-foot to 250-foot ROW (feet)		Freeway (feet)
Minimum width of lot frontage	50	100	150	50	80	100	100	200	125
Maximum square footage per side	20	30	40	50	60	70	80	100	150
Setback from street ROW line	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
Setback from any property line other than ROW	5	5	10	10	10	15	15	15	15
Maximum height	3.5	6	6	6	6	6	6	6	10

- c. *Multiuse signs.* A multiuse sign that identifies a coordinated development site of more than one use, such as a shopping center, office center, or industrial park, may have a sign area not larger than 1.5 times the area allowed for a single-use sign on the site, or a maximum of 200 square feet, whichever is less. A multiuse sign may contain a directory or listing of the occupants within a center or multiuse development. If a directory is utilized, the remainder of the sign area shall contain only the identification of the entire center or entire development. If a multiuse sign area exceeds that allowed for a single use, no detached ground or pole sign is allowed for any single use within the center or development, or for any use listed in a directory on such sign.

- (2) When determining requirements for allowable detached ground or pole signs under the above table, first determine the right-of-way width adjacent to the subject lot, then determine the lot frontage. Next, determine the maximum square footage per side, setback from adjacent rights-of-way and the maximum height by reading vertically below the applicable lot frontage. To calculate the height of a sign, measurement shall be made from the top of the curb adjacent of the street upon which a sign faces or from the natural ground level, if above curb level, to the top of the sign. Construction of a berm or earthen mound for the

purpose of increasing height of signage is prohibited. For the purpose of calculating the distance from a street right-of-way line where the existing street right-of-way width is less than that required in the thoroughfare plan and subdivision ordinance, such distance shall be measured from the line of such right-of-way as required by such plan or ordinance (adding equal amounts to each side of the existing right-of-way) rather than from the existing right-of-way line. Freeways are as proposed by the thoroughfare plan of the city.

- (3) No such sign shall be erected within 20 feet of the street intersection, unless the bottom of the sign exceeds 42 inches in height above ground level, and the sign is set back from the right-of-way as stated in the table above (reference graphic 6).
- (4) If the lot on which a building or buildings are located has multiple right-of-way frontages and is three acres or greater, two detached ground or pole signs are permitted (one per frontage) based on sign allowances in subsection (c)(1) of this section. If such a building or buildings are located on a lot less than three acres, two detached ground or pole signs are permitted with a maximum of 60 square feet per side per sign and a maximum height of 20 feet. On lots located at the intersection of a major thoroughfare and a freeway, two detached ground or pole signs are permitted, the size to be based on subsection (c)(1) of this section. All detached signs shall have a minimum of 20 feet of separation from the largest permitted sign.
- (5) If two of the allowable detached signs are combined into one detached sign, then the signage may exceed by 50 percent the total allowable signage of the largest permitted sign up to a maximum of 200 square feet per side.
- (6) When electrical service is provided to detached signs, all such electrical service shall be underground.
- (7) All detached ground signs shall be framed, and finish materials used on the sign frame shall match or be complimentary to exterior finishing materials of the primary structure on the site.
- (8) Automobile dealership signs.
 - a. *Number per lot.*
 1. *Primary detached signs.* There shall not be more than one primary sign for each franchise up to a maximum of three primary signs per dealership.
 2. *Secondary detached signs.* Secondary signs shall be permitted only if used for pre-owned automobiles and limited to one per dealership.
 - b. *Area, location and height requirements.*
 1. *Primary detached signs.* All primary detached signs shall conform to provisions within this section.

2. *Secondary detached signs.* Secondary signs shall be limited to one-half of the area of the primary detached sign and a maximum of 24 feet in height.
3. *Minimum separation.* All signs shall be separated by a minimum distance of 100 feet.

c. *Banners and pennants.* Such signage is allowed on light standards and poles, as long as signage does not exceed 20 square feet per pole or sign and is not strung or affixed in any manner other than from brackets on single poles (reference graphic 7).

(d) *Development identification signs.*

- (1) Project information or identification detached ground signs are permitted at the entrances of major offices or industrial park developments located on more than one lot and bisected by one or more publicly dedicated streets. They shall be allowed under the following size restrictions:

<i>Size</i>	<i>Maximum size (square feet)</i>	<i>Maximum height (feet)</i>
Under 10 acres	36	6
10 acres and above	64	8

- (2) Signs may be located at each corner of the intersection of an entrance street.

(e) *Real estate signs.*

- (1) *Generally.* One real estate sign, not exceeding 32 square feet in sign area and 12 feet in height, shall be permitted on tracts of 50 acres or less, and not exceeding 96 square feet in area and 16 feet in height for tracts of land over 50 acres. On tracts of 50 acres or greater with 1,000 feet of frontage adjacent to the public right-of-way, a sign not to exceed 200 square feet per side and 16 feet in height shall be permitted. The sign shall be removed no later than 30 days after the closing of the real estate conveyance. For setback requirements, refer to subsection (c)(1) of this section. Such signs shall not require a permit if they measure 32 square feet or less.
- (2) *Temporary directional signs.* Nonpremises directional signage shall be prohibited within the city limits.
- (3) *Construction sites.* On building construction sites, one sign shall be permitted for all participating building contractors and subcontractors, one for all participating professional firms, one for all participating lending institutions and one for each property owner on the construction site, subject to a maximum of three signs for each construction site, each such sign to be 32 square feet in sign area or less, and that such signs must be removed prior to the issuance of a certificate of occupancy for said building.
- (4) *Nonpremises real estate signs.* Nonpremises real estate signs shall be permitted based on the following criteria:

- a. One such sign shall be permitted per area between 100 acres and 249 acres;
- b. Two such signs shall be permitted per area between 250 acres and 499 acres;
- c. Three such signs shall be permitted for 500 acres and three additional signs shall be permitted for each 500 acres thereafter;
- d. The allowable signage shall be based on the original size of the zoning area;
- e. Real estate signs shall be allowed in all nonplatted zoning districts;
- f. The size of such sign shall be a maximum of 32 square feet and eight feet in height unless adjacent to U.S. Highway 121, 75, or 380, where 96 square feet and 16 feet in height is allowed;
- g. A permit shall expire after two years. Said permit may be renewed upon request by the property owner for another two-year period;
- h. A permit fee as determined from time to time by city council per sign shall be paid; and
- i. There shall be a minimum separation between each sign of 500 feet.

(f) *Temporary promotional banners, posters, and pennants.* Temporary promotional signs, including, but not limited to, banners, posters and pennants, containing, but not limited to, the following verbiage: "Now Hiring," "Applications Here," "We Finance," "Open 24 Hours," "Sale," or "Price Special," shall be permitted, subject to the following guidelines:

(1) *Food-service businesses.* For businesses whose primary purpose is the sale of food for immediate consumption, such signage shall be considered as part of the overall sign allowance and shall not be limited as to time of display; and the means of attachment shall not be visible from the public right-of-way.

- a. *New business.* For a new business, such signage shall not exceed 25 square feet and shall be included as part of the total allowable attached or detached signage. Such signage shall have a permanently affixed location, which is integrated and compatibly designed as a component of the building, canopy, fascia wall or detached sign. The fee for such signage shall be included as part of the original sign package, and no subsequent fees will apply if included as part of the permanent signage.
- b. *Existing businesses.* For businesses that are existing at the time of the effective date of the ordinance from which this chapter is derived, such signage shall be permitted at a permanently designated location on the building, canopy or fascia wall and shall not exceed 25 square feet. There shall be a permit obtained for the manner of designation and affixing of temporary banners and a one-time permit fee as determined from time to time by city council shall be charged for each such location designation.

(2) *Non-food-service businesses.* For businesses other than food service, such signage shall be permitted four times per year, maximum 50 square feet for a maximum of a 30-day period. A permit fee as determined from time to time by city

council shall be applicable per 30-day period, unless all four periods are scheduled in advance; then a permit fee as determined from time to time by city council will be applicable covering all four such periods. The means of attachment shall not be visible from the public right-of-way.

- (3) *Signs in interior of windows.* For new and/or existing businesses that are food or non-food-service establishments, such signage is permitted in the interior of windows without a permit; provided that not more than 40 percent of the transparent area is occupied at one time (reference graphic 9).
- (g) *Grand opening signage.* A permit for grand opening signage is allowed one time only for each new business. A change of ownership of less than 75% of the owners does not qualify as a new business. A permit for grand opening signage may include banners, balloons, pennants, feather flags and wind driven signs. Grand opening permits may only be issued within 90 days of the issuance of a certificate of occupancy and shall be limited to 7 days. The fee for grand opening signage shall be as set forth in Appendix A, and as determined from time to time by city council.
 - (1) *Securing signs.* Banners, balloons, pennants and wind driven signs shall be securely tethered, fastened or affixed to the ground or structure.
 - (2) *Number of signs.* Feather flags used for a grand opening event shall be limited to two flags per site.
- (h) *Items of information.* An item of information is defined as a symbol, a word, a logo, an initial, an abbreviation or a group of numbers. The amount of information that any attached or detached sign can contain shall be based on the following criteria:
 - (1) No sign shall display more than ten items of information.
 - (2) Lettering three inches in height or less is not included when determining an item of information.
 - (3) Letters less than 19 inches high which are carved into the fabric of a building or decorative screening walls or attached securely to the wall are not counted as items of information; provided that they are not specially illuminated and are not constructed of a shiny material, or their color does not contrast sharply with that of the building surface, and they do not exceed two inches in thickness.
- (i) *Apartment signs.* All apartment complex signs located in business zoning districts shall conform to the provisions as defined in section 134-8(5).
- (j) *Changeable electronic variable message signs.* A Changeable copy/electronically activated sign shall be permitted subject to the applicable provisions within the zoning district in which the sign is located as well as the following:
 - (1) The size of a sign shall not exceed 20 square feet.
 - (2) A sign shall display static images for a period of at least eight seconds.

- (3) Variable message signs shall not be animated, flash, travel, blink, fade, or scroll. Variable message signs shall transition instantaneously to another static image.
- (4) In all zoning districts, signs shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light. A sign existing prior to the adoption of this ordinance shall only be required to include automatic dimming technology upon any upgrade or retrofit of the existing sign.
- (5) A sign shall not exceed a brightness level of 0.3 footcandles above ambient light as measured by the guidelines below:
 - a. At least 30 minutes past sunset, use a footcandle meter to record the ambient light reading for the area. This reading is performed while the digital sign is off or displaying all black copy.
 - b. Take a reading using footcandle meter at five feet above grade and 45 feet from the sign.
 - c. The meter shall be aimed directly at the digital sign.
 - d. Turn the sign on and illuminate entirely in white or red.
 - e. Take a reading using a meter at five feet above grade and 45 feet from the sign.
 - f. The meter shall be aimed directly at the digital sign.
 - g. If the difference between the two readings taken above is 0.3 footcandles or lower, then the sign is in compliance. If the result is greater than 0.3 footcandles, the sign is out of compliance and must be adjusted to meet standards or turned off until compliance can be met.
 - h. All measurements shall be taken in foot candles.
- (6) *Exception.* Temporary signs required by government agencies for road and street repairs, public notifications, traffic control, and similar activities.
- (k) *Directional kiosk signs.* Multi-tenant shopping centers, office parks, industrial parks and medical centers shall be permitted no more than five directional kiosk signs. These signs must be located on private property within the development, shall not be located to be visible from the public right-of-way and shall only list and provide direction to individual businesses within the overall development. Such signs shall be limited to 6 feet in height and a maximum 16 square feet in sign area per side. Once permitted, the text on a directional kiosk sign may be amended without the necessity of additional permitting as tenants change within the development.
- (l) *Temporary directional signs during street construction.* During periods where City, TxDOT or county road construction alters drive approaches or entrances into commercial property, temporary signs may be permitted to alert the public of entrance locations. Such signs shall conform to the following standards:
 - (1) Signs shall be limited to a total of 16 square feet and may not be more than 6 feet in height.
 - (2) Only one sign is permitted per drive approach. Signs shall be attached to a temporary post and must be located on private property. Sign placement shall not block the line of

sight for traffic and the sign shall be maintained by the property owner.

- (3) Signs shall consist of white lettering on a blue back ground and verbiage is limited to "Business Open Enter Here" or similar approved language, but cannot advertise the business name or logo.
- (4) An application for a directional sign, including a map showing the proposed location must be completed by the property owner prior to sign placement. The City maintains the right to remove the sign without notice in the event that there is a violation of any of the above listed requirements.

Sec. 134-8. - Nonbusiness zoning districts.

The following signs are permitted in nonbusiness zoning districts unless specifically stated within:

- (1) *Nameplates.* A nameplate, not exceeding two square feet in area, containing only the name of the resident, the title of the person conducting a permitted home occupation, the name of the building and the sign of the agent.
- (2) *Institutional signs.* An institutional sign, not exceeding 25 square feet per face, and eight feet in height, erected upon the premises of a church or other public or semipublic institution, for the purpose of displaying the name of the institution, and its activities or services. Such sign shall require a permit and may be illuminated according to the provisions contained within section 134-6(3).
- (3) *Real estate signs.* A real estate sign, non-illuminated, advertising the sale or development of a subdivision containing an area of not less than seven lots erected upon the property developed and advertised for sale; provided such sign is not in excess of 32 square feet in size, and eight feet in height, and not more than one such sign is placed per street frontage. Such signs shall be removed when the property is sold.
- (4) *Contractor's signs.* A contractor's sign, non-illuminated, advertising the development or improvement of a property by a builder, contractor or other person furnishing service, materials or labor to said premises during the period of construction; provided any such sign is not in excess of 32 square feet in size and eight feet in height; and such sign shall be removed prior to the issuance of a certificate of occupancy for said property.
- (5) *Apartment signs.* One identification sign per multifamily development; provided such sign does not exceed 25 square feet in area at the primary entrance; and one sign per secondary entrance is not to exceed 16 square feet. Such sign shall require a permit and may be illuminated according to the provisions contained within section 134-6(3).
- (6) *Bed-and-breakfast.* One attached sign shall be permitted on the premises. Such sign shall not exceed four square feet in area and shall not include the word "hotel" or "motel."

- (7) *Nonpremises temporary directional signs.* Nonpremises directional signs shall be prohibited in the city limits as described in section 134-7(e)(2).
- (8) *Development identification signs.* Project information or identification detached ground signs are permitted at the entrance of residential subdivisions that are bisected by one or more publicly dedicated streets. The maximum size shall be 32 square feet per sign with a maximum height of six feet. Signs may be located at each corner of the intersection of an entrance street.

Sec. 134-9. - Downtown commercial historic district.

The downtown commercial historic district is that area recognized by the National Register of Historic Places. All signs within this district shall adhere to the following criteria:

- (1) Signs must be designed and constructed in keeping with the nostalgic character of the historic district. Signs are subject to review by the economic development coordinator, and this coordinator's approval is a prerequisite for the issuance of a sign permit.
- (2) Materials suggested for use for signs are finished hardwoods, softwoods or neon. Materials not allowed include, but are not limited to, plastics, fluorescent materials, paper or fluorescent paints.
- (3) No sign shall be allowed above the top of the second-story windows of a building.
- (4) Hanging signs shall be allowed when such signs have a minimum clearance of seven feet from the sidewalk and do not extend beyond an awning or canopy projection.
- (5) Projecting signs shall have a minimum clearance from the sidewalk of 8.5 feet and shall not project more than five feet from the building or more than 50 percent of the width of the sidewalk adjacent to the building, whichever is less (reference graphic 10).
- (6) Maximum size shall be based on the following:
 - a. For every one linear foot of building primary or entrance frontage, 1½ square feet of sign area shall be allowed.
 - b. Sign boards on secondary side-street frontage shall not exceed one-half the size of signboards on the primary or entrance frontage.
 - c. Window signs shall cover no more than 40 percent of the total glass area, and this will count as one of the signs permitted (reference graphic 9).
 - d. Each face of a hanging sign shall be no more than five square feet.
 - e. Projecting signs shall be no more than 15 square feet in size.
- (7) Two signs are permitted per primary entrance, plus one additional hanging sign, if a canopy is used.
- (8) One secondary entrance sign is permitted.

- (9) Menu boards, portable signs or display signs are allowed, provided they adhere to the following criteria:
 - a. One such sign shall be permitted per primary entrance.
 - b. Such signs may extend out a maximum of two feet from the building, with the maximum distance parallel to the right-of-way being four feet.
 - c. A maximum of six square feet shall be permitted in the area of the sign or the area of the sidewalk used.

Sec. 134-10. - Multiple-building lot coordinated signage.

- (a) *Planned development district.* Notwithstanding anything contained in the foregoing, if property is developed in the planned development district, all signs on such property may be reviewed and approved as part of the overall development plan. Total signage allowed for all sites in the development may be aggregated and the total allowance redistributed. Sign locations, types and sizes may be varied; however, they must be consistent with site and landscape planning principles and will be part of the review process.
- (b) *Compatibility of design.* All signs applied for under the provisions within this section are subject to the approval by the planning staff. The following criteria shall be considered:
 - (1) The sign's compatibility with surrounding signage as related to location, height, size, setback, etc.;
 - (2) The sign's compatibility with aesthetics as related to color scheme, shapes, design, materials, etc.; and
 - (3) The sign's relationship to proposed or existing landscaping.

Sec. 134-11. - Nonconforming signs; removal of signs by city; exceptions; variances.

- (a) *Generally.*
 - (1) Signs existing at the time of the effective date of the ordinance from which this chapter is derived and in compliance with the then-current ordinance and not in compliance herewith shall be regarded as nonconforming signs, which may continue to exist until structurally altered, removed, or destroyed as an act of God or until the business which they are advertising is no longer in existence, except for non-premises signs (third-party outdoor advertising). Nonconforming signs that are structurally altered, relocated or replaced shall comply immediately with all provisions of this chapter.
 - (2) Any nonconforming sign which has been damaged by fire, wind or other cause in excess of 60 percent of its replacement cost shall not be restored except in conformance with the provisions of this chapter.
- (b) *Removal of certain signs.*
 - (1) All of the following signs shall be considered unlawful.

- a. Any sign erected without a required permit, either prior to or after the adoption of this section;
 - b. Any sign erected in violation of the provisions of this chapter; and
 - c. Any sign which is dangerous due to being electrically or structurally defective.
- (2) Said signs shall be removed from the property or premises in question, or such other defect as is specified shall be cured, upon written notification by the chief building official or his designated representative to the owner of the property on which the sign is located and/or the permittee of the sign. The notification required by this provision shall state that if the sign is not removed or the specified defect is not cured within the prescribed time frame from the date of the notice, a citation may be issued.
- (c) *Removal of public nuisance/hazardous signs:*
- (1) The chief building official or his designated representative shall, without the requirement of notification or impoundment, order the immediate removal and disposal of the following signs.
 - a. Any nonpermanent sign erected or existing that constitutes a traffic hazard; or
 - b. Any nonpermanent sign erected in, on or over a public right-of-way or easement or designated fire lane, either prior to or after the adoption of this section, except those non-permanent signs in the commercial historic district (section 134-9).
 - (2) A person is responsible for the violation if the person is the permit holder, owner, agent or person having the beneficial use of the sign and a citation may be issued.
- (d) *Recovery of impounded signs.* Impounded signs may be recovered by the owner within 15 days after written notification of impoundment by paying a fee as determined from time to time by city council.
- (e) *Disposal of impounded signs.* Signs not recovered within 15 days after written notification may be disposed of by the city in any manner it shall elect.
- (f) *Exemptions generally.* The following signs may be erected and maintained under the exceptions and conditions listed and shall not require a permit, provided all other provisions of this chapter are met:
- (1) *Public signs.* Noncommercial signs erected by or at the direction of a public officer in furtherance of the public interest in the performance of his public duty.
 - (2) *Public, charitable, educational or religious signs.* Temporary signs or feather flags announcing any noncommercial public, charitable, educational or religious event or function may be installed only on private property, with the consent of the property owner, for a period of not more than 21 days prior to the event and shall be removed within 24 hours following the event. The maximum sign area shall be limited to 32 square feet on each sign face.

- (3) *Integral signs.* Names of buildings, dates of erection, monumental citations and commemorative tablets that are carved into stone, concrete or similar permanent materials and constructed as an integral part of a structure.
- (4) *Nameplates.* One nameplate per public entrance per business, not exceeding three square feet of sign area per face.
- (5) *Private signs.* Signs not visible beyond the boundaries of the lot or series of contiguous lots under the same ownership on which they are located or that are not visible from any public right-of-way.
- (6) *Garage sale signs.* Garage sale signs may be installed only on private property with the consent of the property owner. Said signs shall not be installed earlier than 12:00 p.m. on the immediately preceding Thursday before the sale and must be removed within 24 hours following the sale. The maximum sign area shall be limited to four square feet on each sign face. A garage sale permit is required.
- (7) *Menu boards.* Eating establishments with drive-through service are permitted two menu board signs per premises, limited to 36 square feet in area and six feet in height.
- (8) *Window signs.* Window signs are exempt from the provisions of this chapter, providing not more than 40 percent of the transparent window area is occupied at any one time (reference graphic 9).
- (9) *Gasoline/service station signage.* Signs located beneath a canopy that do not advertise the premises are exempt, including, but not limited to, the following information: "Self-Service," "Full Service," "Unleaded Gasoline" and "Regular Gasoline." Governmentally mandated signage and signage contained within the individual pumps are also exempt. In addition, ten square feet of signage is permitted per side under the canopy per set of gasoline product dispensers. Signage located beneath the canopy that is intended to advertise to individuals using the gasoline product dispensers only, and not intended for advertisement to the public right-of-way, is exempt. Letters less than three inches in height shall not be counted as part of the sign allowance.
- (10) *Government signs.* Government signs are allowed, as defined in the definitions in section 134-4, provided that each such sign does not exceed 40 square feet. One advertisement/identification flag or three government flags are permitted with a maximum of three such signs per premises.
- (11) *Political signs.* Such signs that primarily contain a political message that satisfy the requirements of V.T.C.A., Local Government Code § 216.903(d), as amended.
- (12) *Real estate signs.* Such signs shall be non-illuminated, shall not exceed six square feet in area per face, and shall pertain to the sale or lease of the premises.

- (13) *Agricultural signs.* One sign, advertising agricultural uses, not exceeding 32 square feet in area and eight feet in height, shall be allowed per owner. On large tracts that exceed 0.25 mile of public right-of-way frontage, said owner may have one sign per 0.25 mile or portion thereof.
- (14) *Vehicular signs.* Vehicular signs are allowed for the purpose of identifying a vehicle used for a particular business (i.e., delivery service, professional and business, construction trailers, etc.), but not when the primary use of the vehicle is that of a sign (reference graphic 11). The vehicle shall be operable and currently registered and licensed to operate on public streets.
- (15) *Protective signs.* The occupant of any premises may erect two protective signs in accordance with the following provisions:
- a. Each sign must not exceed two square feet in area.
 - b. Detached signs must not exceed two feet in height.
 - c. Letters must not exceed four inches in height.
- (16) *On-site movement-control signs.* On-site movement-control signs may be erected at any occupancy or any premises, other than a single-family or duplex premises, may be attached or detached and may be erected without limit as to number; provided that such signs shall comply with all other applicable requirements of this chapter. The occupant of any premises who erects an on-site movement-control sign shall comply with the following requirements:
- a. Each sign must not exceed four square feet in area and a maximum of six feet in height.
 - b. If a sign is an attached sign, the letters must not exceed six inches in height.
 - c. Each sign must convey a message which directs vehicular or pedestrian movement within or onto the premises on which the sign is located.
 - d. Not more than 50 percent of such sign may be used for advertising or identification.
- (17) *Human signs.* Human signs may be displayed from sunrise to sunset each and every day and shall comply with the following requirements:
- a. Each sign shall be located on private property or adjacent right-of-way where a sale, event, promotion, or a similar limited-duration event is taking place.
 - b. Human signs are not permitted in residential districts.
 - c. A person acting as a human sign is not permitted to hold or carry wind devices, flags or balloons. Podiums, risers, stilts, vehicles, roofs, or other structures or devices shall not support a human sign.
 - d. No more than one human sign per business location may be actively engaged per major thoroughfare.
- (18) *Mobile billboards.* Mobile billboards shall be permitted as long as they are not parked, driven, stationed or moving in any manner on private property within the city limits for longer than 20 minutes per 24 hour day.

- (19) *Open house residential sign.* Open house residential signs shall be in place only during the hours the house is open, plus one hour before and two hours after the event and shall comply with the following requirements:
- a. Such sign shall be used only when a salesperson, homeowner or homeowner's agent is present during the time of the open house.
 - b. One open house residential sign per open house may be placed off-premises at the entrance to the subdivision on private property (either individual homeowner property or HOA maintained common area) with the consent of the property owner and/or HOA.
 - c. Such signs shall not exceed four square feet in size.
 - d. Such signs shall not be in place earlier than 8:00 a.m. and must be removed no later than 6:00 p.m. the same day.

- (20) *Temporary religious sign.* A temporary religious sign may be erected during times of worship provided that the sign is placed no earlier than two hours prior to worship and removed no later than two hours after worship.
- a. Such signs shall be placed on private property with consent of the property owner. Temporary religious signs shall be placed no closer than ten feet from the edge of any street pavement or dedicated roadway or right-of-way.
 - b. The maximum area of a temporary religious sign shall not exceed six square feet. The maximum height of a temporary religious sign shall not exceed four feet. A temporary religious sign shall not contain balloons, streamers, flags, pennants, or wind devices.

(g) *Meritorious exceptions.*

- (1) In the development of these criteria, a primary objective has been ensuring against the kind of signage that has led to low visual quality. On the other hand, an equally primary objective has been guarding against over regulation of signage.
- (2) It is not the intention of these criteria to discourage innovation. It is entirely conceivable that signage proposals could be made that, while clearly nonconforming to this chapter, and thus not allowable under these criteria, have obvious merit in not only being appropriate to the particular site or location, but also in making a positive contribution to the visual environment. Such proposals will be seriously and fairly considered by the city council.
- (3) The fee for meritorious exceptions shall be specified in appendix A of the Code of Ordinances which may be amended from time to time by ordinance.

- (h) *Variations.* The city council may hear appeals from the denial of a permit. Criteria for granting such a variance is as stated in the state statute, V.T.C.A., Local Government Code § 211.008 et seq., as it may be amended. The fee of variations shall be specified in appendix A of the Code of Ordinances which may be amended from time to time by ordinance.”

Section 3. Any person, firm or corporation who violates any section of Chapter 134 of the Code of Ordinances of the City of McKinney, Texas, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined any sum not in excess of \$2,000.00, and assessed court costs as provided by law.

Section 4. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

Section 5. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 6. This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE ____ DAY OF AUGUST, 2012.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
BLANCA I GARCIA
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney