

**ORDINANCE NO. 2017-12-\_\_\_**

**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 SECTION 134-7 BUSINESS AND AGRICULTURAL ZONING DISTRICTS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND 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 finds that the amendment of Chapter 134, Section 134-7 relating to Business and Agricultural Zoning District Signs, 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, Section 134-7 of the Code of Ordinances of the City of McKinney is hereby amended in part to read as follows:

**Sec. 134-7 – Business and Agricultural Zoning Districts**

(C) 1 b. On-Premise Detached 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	8	8	10

## Sec. 134-7 – Business and Agricultural Zoning Districts

### (J) Changeable Electronic Variable Message Signs

- (1) The size of a sign shall not exceed 60 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 foot candles above ambient light as measured by the guidelines below:
  - a. At least 30 minutes past sunset, use a foot candle 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 foot candle 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 foot candles or lower, then the sign is in compliance. If the result is greater than 0.3 foot candles, 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.

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 5<sup>th</sup> DAY OF DECEMBER, 2017.**

CITY OF MCKINNEY, TEXAS

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George C. Fuller  
Mayor

CORRECTLY ENROLLED:

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SANDY HART, TRMC, MMC  
City Secretary  
Denise Vice  
Assistant City Secretary

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney