

**ORDINANCE NO. 2013-05-XX**

**AN ORDINANCE AMENDING CHAPTER 134, "SIGNS," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF SECTION 134-7, ENTITLED "BUSINESS AND AGRICULTURAL ZONING DISTRICTS," BY DELETING SUBPARAGRAPH (L), "TEMPORARY DIRECTIONAL SIGNS DURING STREET CONSTRUCTION," IN ITS ENTIRETY AND REPLACING SAID PROVISION WITH A NEW SUBPARAGRAPH (L) THAT IS ALSO ENTITLED "TEMPORARY DIRECTIONAL SIGNS DURING STREET CONSTRUCTION" TO ALLOW TEMPORARY SIGNAGE FOR BUSINESSES FRONTING ON HIGHWAY 75, CENTRAL EXPRESSWAY, DURING THE RECONSTRUCTION OF HIGHWAY 75, CENTRAL EXPRESSWAY; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE, INCLUDING CERTAIN PRESUMPTIONS; PROVIDING FOR INJUNCTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS,** the City of McKinney adopted the Sign Regulations to protect the safety of persons and property, to enhance the economy and industry of the city by promoting the reasonable, orderly and effective display of signs, and to enhance the appearance and economic value of the landscape; and

**WHEREAS,** the City Council has recognized that certain provisions of the Sign Regulations should be reviewed and updated; and

**WHEREAS,** amendments to these provisions have been proposed and the City Council of the City of McKinney are of the opinion that this chapter should be amended.

**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. From and after the effective date of this Ordinance, Section 134-7 of the Code of Ordinances is hereby amended by deleting and shall "Business and Agricultural Zoning Districts," by deleting Subparagraph (l), "Temporary Directional Signs During Street Construction," in its entirety and replacing said provision with a new Subparagraph (l) that is also entitled "Temporary Directional Signs During Street Construction" to read as follows:

“(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, if permitted, shall conform to the following standards:

- (1) Signs shall be limited to a total of 16 square feet in area 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 background and verbiage is limited to directional information such as “Business Open Enter Here” or similar language, but cannot advertise the business name or logo.
- (4) An application for a directional sign, including a map showing the proposed location of the sign, 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 there is a violation of any of the above-listed requirements.
- (5) During the reconstruction of Highway 75, Central Expressway, (the “Reconstruction”) additional temporary signs and banners may be permitted to alert the public of business locations fronting on Highway 75. Such signs, if permitted, shall conform to the following standards:
  - a. Temporary banners, in addition to those described elsewhere in this section, may be permitted on properties fronting on Highway 75 during the Reconstruction only. Such banners shall be limited to one banner per property not to exceed 150 square feet in area. Each banner shall be securely fastened and mounted flat against the face of a permanent structure and facing toward Highway 75.
  - b. Temporary signs alerting the public of entrance locations may be increased to a maximum of 36 square feet in area and may not be more than 8 feet in height. Signs shall be attached to one or more

temporary posts and must be located on private property. One such sign is permitted per drive approach and shall not block the line of sight for traffic and the sign shall be maintained by the property owner.

- c. Signs shall consist of white lettering on a blue background. Business names and logos are permitted on such signs.
- d. An application for a directional sign, including a map showing the proposed location of the sign, 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 there is a violation of any of the above-listed requirements. All such signs and banners must be removed from the property within thirty (30) days of final completion of that portion of the Reconstruction immediately adjacent to the property in question.
- e. According to the schedule provided by the Texas Department of Transportation ("TxDOT"), the reconstruction of US 75 will be completed before June 1, 2015. By that date, all main lanes and frontage road lanes along this section of US 75 will be open to traffic and the disruption to adjacent properties resulting from the ongoing work by TxDOT's contractor will have ceased. Therefore, the temporary allowance for additional signage provided hereby shall expire on July 1, 2015 and all signs and banners approved in accordance with this section must be removed prior to that date."

Section 3. That 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 4. 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 5. All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any city official or employee charged with the enforcement of this ordinance, acting for the City of McKinney in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his said duties.

Section 6. Any person, firm, corporation, association, or other entity that 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.

Section 7. Any violation of this Ordinance may be enjoined, and this remedy shall be in addition to any penal provision in this Ordinance.

Section 8. 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 THIS 7th DAY OF MAY, 2013.**

CITY OF MCKINNEY, TEXAS

---

BRIAN LOUGHMILLER, Mayor

ATTEST:

---

SANDY HART, TRMC, MMC  
City Secretary

APPROVED AS TO FORM:

---

MARK S. HOUSER  
City Attorney