

Article 4: Tree Preservation

401 Administration

A. Purpose

The purpose of this section is to preserve, protect, and enhance existing trees and natural landscapes to contribute to a safe and livable community; to enhance a positive community image that attracts new residents and business enterprises; and to support the long-term viability of existing trees through protection measures that promote the natural, ecological, environmental, and aesthetic qualities of the City. The Director of Planning, or their designee, is appointed by the city manager to administer city ordinances related to tree preservation.

B. Applicability

All properties within the City of McKinney are subject to Tree Preservation, and all trees shall be preserved, protected, and mitigated according to the regulations of this Section.

402 Tree Preservation Standards

A. Prohibited Activities

The critical alteration, removal, or disturbance of any tree is prohibited unless otherwise authorized in this Article.

B. Critical Alteration of Trees

1. General Standards

- a. Prior to the critical alteration of any tree, *the Director of Planning or their designee shall give authorization or a permit must be submitted and approved in compliance with §404, Tree Removal Procedures*.
- b. Specimen Trees shall not be critically altered, unless approved by the Director of Planning. Approval shall be based on the type of tree, health of the tree, location of the tree on site, elevation of the tree, and impact of the tree on the proposed site or development plan.
- c. Critical alteration of any Protected Tree, *including Specimen Trees*, is subject to the tree mitigation and replacement requirements of §405, *Tree Mitigation and Replacement*. *If critical alteration of a Specimen Tree has been approved by the Director of Planning, then the mitigation and replacement requirements of §405, Tree Mitigation and Replacement shall apply.*

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C. Protected Trees

Table 4-1 Table 4-1, Protected Trees, indicates protected trees that are subject to the protection measures and mitigation and replacement requirements of this Article. Protected trees located in the perimeter tree zone are not allowed to be removed.

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● Protected Tree			
✦ Protected Tree <i>not critically altered</i> when adjacent to existing platted residential lots			
Location	Quality Tree (6" or greater)	Quality Tree (27" or greater)	Specimen Tree (42" or greater)
Existing Single-Family (attached and Detached), Duplex, Triplex, and Quadplex Uses		•	•

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402 Tree Preservation Standards
C Protected Trees

Existing Non-Residential, Manufactured Housing, and Multi-Family Residential Uses	•	•	•
Qualified Ag Land [1]	•	•	•
Development Projects	•	•	•
Other Properties [2]	•	•	•
<i>Special Locations</i>			
Perimeter Tree Zone	◆	◆	◆
Floodplain	•	•	•

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[1] A property receiving a special use appraisal as a qualified agricultural, timber land, and wildlife management property from the Collin Central Appraisal District (CCAD). An agricultural exemption is not the same as a qualified agricultural, timber land, and wildlife management property special use appraisal.

[2] Unless otherwise determined by the Director of Planning.

NOTE: sizes measured at DBH

1. Special Protected Tree Locations

All protected trees shall be protected as identified in Table 4-1, plus the following additional regulations shall apply to protected trees in the following locations:

a. Perimeter Tree Zone

- i.** If a protected tree exists within 15 feet of the boundary line between a proposed development and an existing platted residential development with four or fewer units per lot, a perimeter tree zone shall be provided. The perimeter tree zone shall extend 15 feet out from each protected tree onto the proposed development for a maximum 30-foot-wide perimeter tree zone. No protected tree within the perimeter tree zone may be critically altered. See Figure 4-1.

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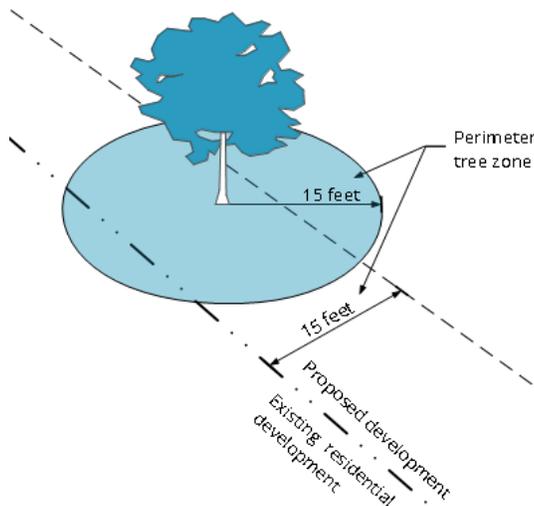


Figure 4-1: Perimeter Tree Zone

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402 Tree Preservation Standards
D Quality Tree List

II. The Director of Planning may approve, as part of the site plan or development permit, a reduction in the radius of the tree protection zone to not less than the drip line for trees between 6- and 16- inches DBH to allow for the proper installation of screening walls, retaining walls, detention ponds, driveways, sidewalks, public and private streets, or utility lines. The decision of the Director of Planning may be appealed in accordance with §203F.1, *Administrative Appeal*.

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b. Floodplain

- I. Within the 100-year fully developed floodplain, no more than 30 percent of protected trees may be critically altered. The following conditions are exempt from the requirement:
 - a. If the floodplain area is located within the interior of a commercially zoned property and construction of buildings or parking is to occur on both sides of the floodplain; or
 - b. When the construction of roads is required by the City to provide cross access to adjacent properties or a second point of access.
- II. A request to remove greater than 30 percent of quality trees may be made pursuant to §203G.1, *Design Exception*.

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D. Quality Tree List

The following list of tree species are quality trees.

Common Name (Botanical Name)	Common Name (Botanical Name)
Maple Species (<i>Acer spp.</i>) [1]	<i>Magnolia (Magnolia spp.)</i> <i>Crabapple (Malus spp.)</i>
Chittamwood (<i>Bumelia-Sideroxylon lanuginosume</i>)	<i>Crabapple (Malus spp.)</i> <i>Dawn Redwood (Metasequoia glyptostroboides)</i>
Birch Species (<i>Betula spp.</i>)	<i>Dawn Redwood (Metasequoia glyptostroboides)</i> <i>Wax Myrtle (Myrica cerifera)</i>
Buckeye Species (<i>Aesculus spp.</i>)	<i>Wax Myrtle (Myrica cerifera)</i> <i>Pine (Pinus spp.)</i>
Texas Madrone(<i>Arbutus xalapensis</i>)	<i>Pine (Pinus spp.)</i> <i>Chinese Pistache (Pistacia chinensis)</i>
Hickory Species (<i>Carya spp.</i>)	<i>Chinese Pistache (Pistacia chinensis)</i> <i>Sycamore (Platanus occidentalis)</i>
Pecan (<i>Carya illioinensis</i>)	<i>Sycamore (Platanus spp.)</i> <i>Mesquite (Prosopis glandulosa)</i>
Redbud (<i>Cercis canadensis</i>)	<i>Mesquite (Neltuma glandulosa)</i> <i>Cherry Laurel (Prunus caroliniana)</i>
Desert Willow (<i>Chilopsis linearis</i>)	<i>Cherry Laurel (Prunus caroliniana)</i> <i>Mexican Plum (Prunus mexicana)</i>
Chinese Fringe Tree (<i>Chionanthus virginica</i>)	<i>Mexican Plum (Prunus mexicana)</i> <i>Oak Species (Quercus spp.)</i>
Dogwood Species (<i>Cornus spp.</i>)	<i>Oak Species (Quercus spp.)</i> <i>Carolina Buckthorn (Rhamnus caroliniana)</i>
Smoketree (<i>Cotinus coggygria</i>)	<i>Carolina Buckthorn (Rhamnus caroliniana)</i> <i>Aromatic Sumac (Rhus aromatic)</i>
Hawthorn (<i>Crataegus spp.</i>)	<i>Fragrant Sumac (Rhus aromatica)</i> <i>Smooth Sumac (Rhus glabra)</i>
Arizona Cypress (<i>Cupressus arizonica</i>)	<i>Smooth Sumac (Rhus glabra)</i> <i>Prairie Flameleaf Sumac (Rhus lanceolata)</i>
Leyland Cypress (<i>Cupressocyparis leylandii</i>)	<i>Prairie Flameleaf Sumac (Rhus lanceolata)</i> <i>Western Soapberry (Sapindus drummondii)</i>
Persimmon (<i>Diospyros spp.</i>)	<i>Western Soapberry (Sapindus saponaria)</i> <i>Sum Bully (Sideroxylon lanuginosum)</i>
Ginkgo (<i>Ginkgo biloba</i>)	<i>Eve's Necklace (Sophora-Styphnolobium affineis)</i>

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D Quality Tree List

Table 4-2 Quality Tree List	
Common Name (Botanical Name)	Common Name (Botanical Name)
Holly Species (<i>Ilex spp.</i>)	Texas Mountain Laurel (<i>Sophora secundiflora</i>)
Juniper Species (<i>Juniperus spp.</i>)	Pond Cypress (<i>Taxodium ascendens</i>)
Walnut Species (<i>Juglans spp.</i>)	Bald Cypress (<i>Taxodium distichum</i>)
Golden Raintree (<i>Koelreuteria paniculata</i>)	Elm Species (<i>Ulmus spp.</i>) [2]
Crape Myrtle (<i>Lagerstroemia indica</i>)	Mexican Buckeye (<i>Ungnadia speciosa</i>)
Goldenball Leadtree (<i>Leucaena retusa</i>)	Viburnum (<i>Viburnum spp.</i>)
Sweetgum (<i>Liquidambar styraciflua</i>)	Vitex (<i>Vitex agnus-castus</i>)
Magnolia (<i>Magnolia spp.</i>)	

[1] Except: Box Elder (*Acer negundo*) and Silver Maple (*Acer saccharinum*).

[2] Except: ~~American Elm (*Ulmus americana*)~~ and Siberian Elm (*Ulmus pumila*).

403 Tree Protection Measures

A. Applicability

Trees being preserved on- or off-site are subject to the following procedures, unless otherwise exempted.

B. Protective Measures Required Prior to Construction

B.—Prior to the commencement of any site work or construction, the contractor shall construct and maintain a protective fence around each tree being protected as shown in the City of McKinney Construction Standard Details, until all work on-site has been completed.

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C. Prohibited and Limited Activities in Critical Root Zone

The following activities are prohibited within the limits of the critical root zone of any tree being preserved, unless otherwise specified in this section.

1. Material Storage

No materials intended for use in construction or waste materials shall be placed within the critical root zone of any tree being preserved.

2. Equipment Cleaning/Liquid Disposal

No cleaning or other liquids shall be deposited or allowed to flow over land within the critical root zone of any tree being preserved. This includes, but is not limited to paint, oil, solvents, asphalt, concrete, mortar or similar materials.

3. Tree Attachments

No signs, wires or other attachments, other than those of a protective nature, shall be attached to any tree being preserved.

4. Construction Equipment/Vehicular Traffic

No vehicular and/or construction equipment traffic or parking shall take place within the critical root zone of any tree being preserved other than on existing street pavement, unless otherwise approved by the Director of Planning. This restriction does not apply to single incident access within the critical root zone for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance, emergency restoration of utility service, or routine mowing operations. No heavy equipment including trucks and tractors shall be allowed inside the dripline of any protected tree on any construction site without the specific approval of the Director of Planning.

5. Grade Changes

No grade changes shall be allowed within the critical root zone of any tree being preserved, unless the Director of Planning and/or the Director of Engineering approves adequate construction methods.

6. Impervious Paving Near Protected Trees

No paving shall occur within the critical root zone of a protected tree that is being preserved. Paving with asphalt, concrete, or other impervious materials may be allowed to encroach within the first 25 percent from the edge of the critical root zone of a protected tree that is being preserved only when a health, safety, or welfare issue arises due to access and circulation requirements.

7. Impervious Paving Near Non-Protected Trees

Unless otherwise approved by the Director of Planning, for any non-protected tree that is being preserved, the following shall apply:

- a. No paving with asphalt, concrete, or other impervious materials may be placed within a 5-foot radius of the trunk; and

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D Alteration Construction Methods During Construction

- b. A total of 400 square feet of area on the critical root zone shall be kept free of impervious materials. This pervious area may be in the shape of a circle, rectangle, or other shape, and shall include and be contiguous with the area within a 5-foot radius of the trunk.

8. Boring

Where it is not possible to trench around the critical root zone of the protected tree, boring of utilities under a protected tree shall be required. When required, the length of the bore shall be the width of the critical root zone at a minimum and shall be a minimum depth of 48 inches.

9. Trenching

Trenching shall be designed to avoid the critical root zone of any protected tree, unless otherwise approved by the Director of Planning. Mechanical trenching within the critical root zone shall be prohibited. Trenching by hand shall not critically alter the root system. The placement of irrigation systems and underground utility lines such as electric, phone, gas, etc., shall be located outside of the critical root zone of protected trees. The minimum required single head supply line for irrigation systems is allowed to extend into the critical root zone perpendicular to the tree trunk and in the manner that has the least possible encroachment into the critical root zone.

D. ~~Alteration Construction Methods During Construction~~

1. Ground-Level Cuts

Tree trunks must be cut at ground level where removal of a tree may damage root systems of an adjacent tree. Stump grinding in such situations is allowed with the approval of the Director of Planning.

2. Root Pruning

All roots two inches or larger in caliper, which are exposed as a result of trenching or other excavation, shall be cut off square.

E. ~~Protective Measures Required Prior to Construction~~

~~Prior to the commencement of any site work or construction, the contractor shall construct and maintain a protective fence and bark protection around each tree being protected as shown on standard drawing 1180M of the City of McKinney Construction Standard Details, until all work on-site has been completed.~~

404 Tree Removal Procedures

A. Permits Required

Table 4-3, *Permit Requirements* indicates the type of permit required to critically alter a tree.

Type of Work	Type of Permit
Critical Alteration (not part of a Development Project)	Tree Permit
Critical Alteration (Development Project)	Development Permit: Tree Preservation Plan
Critical Alteration (Demolition of a Building)	Limited Purpose Tree Permit
<i>Maintenance Activities</i>	
Selective Thinning	Limited Purpose Tree Permit
Grubbing under the drip line	Limited Purpose Tree Permit
Clearing underbrush with mechanical equipment	Limited Purpose Tree Permit

1. Permit Exceptions

a. Tree Permit Exceptions

A Tree Permit is not required if:

- I. The tree ~~is located on an existing single-family residential lot and is less than a 27" caliper; other than a specimen tree, is being critically altered on an existing lot being used for Single-Family Residential.~~
- II. The tree endangers the public health, welfare, or safety and immediate alteration is required from an arborist, including documentation stating the diameter, species and reason for removal;
- III. The tree has disrupted a public utility service due to a tornado, storm, flood, or any force of nature. Critical alteration shall be limited to the portion of the tree reasonably necessary to reestablish or maintain reliable utility service;
- IV. The tree is being critically altered as part of routine utility maintenance;
- V. The tree is located on city owned property and is being critically altered as part of routine maintenance by the Parks and Recreation Department;
- VI. The tree is dead as documented by an arborist, including information citing the diameter, species, and reason for removal, unless the tree was required under a Landscape Plan or was a required replacement tree under this section;
- VII. The tree is located on the property of a plant or tree nursery, or an orchard, where trees are planted and grown on the premises for the sale or intended sale to the general public in the ordinary course of the nursery's or orchard's business; or
- VIII. Removing underbrush with hand tools, not including grubbing under drip lines.

b. Tree Preservation Plan Exceptions

An approved Tree Preservation Plan is not required prior to the critical alteration of any protected tree for the following:

- I. If no trees exist on the property. The Director of Planning may request additional information to confirm that no trees exist on the site.
- ~~II. For the areas outside the width of construction and maintenance easements when constructing off-site public infrastructure and utilities. The Director of Planning may request that additional areas be included if impacts are anticipated beyond the limits of construction.~~

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404 Tree Removal Procedures
B Tree Permit

~~III.~~ For developments 35 acres or greater in size, an Aerial Tree Exhibit may be submitted in lieu of a Tree Preservation Plan, along with a payment into the Reforestation Fund, pursuant to [Appendix A – Schedule of Fees](#) of the Code of Ordinances.

~~IV.~~ For all projects constructed by the city, regardless of size, an Aerial Tree Exhibit may be accepted in lieu of a Tree Preservation Plan.

B. Tree Permit

1. Tree Permit Application

A Tree Permit application and submittal fees (see [Appendix A – Schedule of Fees](#)) shall be submitted in conformance with the requirements of this section and shown on one of the following:

- a. For existing single-family residential (single-family (detached and attached), Duplex, Triplex, and Quadplex) uses, a tree permit exhibit shall include the following information:
 - I. The location [and species \(common and botanical name\)](#) of any proposed tree for removal or transplanting on an aerial exhibit or plot plan;
 - II. The diameter at breast height (DBH) of the proposed tree for removal or transplanting; and
 - III. the following standard notations;
 - a. Tree trunks must be cut at ground level where removal of a tree may damage root systems of an adjacent tree.
 - b. All roots two inches or larger in caliper, which are exposed as a result of trenching or other excavation, shall be cut off square.
 - IV. Tree protection measures.
- b. For existing non-residential uses, manufactured homes, multi-family residential uses, and Qualified Ag Land, a tree permit exhibit shall include the following information:
 - I. The location [and species \(common and botanical name\)](#) of any proposed tree for removal or transplanting on an aerial exhibit, Site Plan, or approved Landscape Plan;
 - II. The diameter at breast height (DBH) of the proposed tree for removal or transplanting;
 - III. the following standard notations;
 - a. Tree trunks must be cut at ground level where removal of a tree may damage root systems of an adjacent tree.
 - b. All roots two inches or larger in caliper, which are exposed as a result of trenching or other excavation, shall be cut off square.
 - IV. Tree protection measures; and
 - V. Summary tables including mitigation information, if applicable.
- c. For other properties, a tree permit exhibit shall include the following information:
 - I. The location [and species \(common and botanical name\)](#) of any proposed tree for removal or transplanting on an aerial exhibit, Site Plan, or approved Landscape Plan;
 - II. The diameter at breast height (DBH) of the proposed tree for removal or transplanting;
 - III. the following standard notations;
 - a. Tree trunks must be cut at ground level where removal of a tree may damage root systems of an adjacent tree.
 - b. All roots two inches or larger in caliper, which are exposed as a result of trenching or other excavation, shall be cut off square.
 - IV. Tree protection measures; and
 - V. Summary tables including mitigation information, if applicable.
- d. Alternate submittal materials may be deemed appropriate in limited instances and may be accepted, subject to the sole discretion of the Director of Planning.

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C Development Permit Process

2. Approval Procedure

The Director of Planning shall have the authority to issue a Tree Permit if it complies with all the regulations of this Code;

3. Appeals

If the Director of Planning denies the Tree Permit, the owner/applicant may appeal the decision to the Board of Adjustment in accordance with §203F.1, ~~Administrative Appeal~~*Administrative Appeal*.

4. Expiration

A Tree Permit shall expire two years after its issuance.

C. Development Permit Process

1. Development Permit Application

A Tree Preservation Plan or Aerial Tree Exhibit, conforming to the requirements below, shall be submitted for a development project with the Site Plan or Plat, unless otherwise approved by the Director of Planning.

2. Tree Preservation Plan Exhibit Requirements

A Tree Preservation Plan shall be prepared by a registered engineer, arborist, surveyor, architect, or landscape architect and include the following:

- a. The location of any tree with a diameter at breast height (DBH) of six inches and greater, ~~which includes the DBH, species (common and botanical name), and whether the trees will remain or be removed;~~
- b. The proposed and existing contours, ~~labeled;~~
- c. The property lines, with dimensions;
- d. The location of all rights-of-way, and easements (existing and proposed);
- e. The location of all buildings, structures, pools, parking and vehicular maneuvering areas, utilities, sidewalks, and other improvements (existing and proposed);
- f. The adjacent land uses, and zoning of adjacent properties;
- g. The creeks, lakes, and other water features (existing and proposed);
- h. The location of FEMA 100-year floodplain, the 100-year fully developed floodplain, and erosion hazard setback easement (existing and proposed);
- i. The major site construction features, ~~labeled;~~
- ~~j. Any proposed non-disturbance area;~~
- ~~k. Identification of the DBH, species, and location of trees that are to remain;~~
- ~~l. j. Identification of the DBH, species, and location of trees to be removed;~~
- ~~m. k. _____~~ the following standard notations:
 - I. Tree trunks must be cut at ground level where removal of a tree may damage root systems of an adjacent tree.
 - II. All roots two inches or larger in caliper, which are exposed as a result of trenching or other excavation, shall be cut off square.

~~n. l.~~ The tree protection measures; and

~~o. m.~~ _____ Summary tables and mitigation information tables (if required).

3. Aerial Tree Exhibit Requirements (if applicability qualifications are met)

An Aerial Tree Exhibit shall be submitted in conformance with the following requirements and processed in accordance with §203A, ~~Standard Procedures~~*Standard Procedures*.

- a. ~~Provide a color-aerial image for the property with~~ An aerial exhibit which includes a transparent overlay of the proposed plat or site plan at the same scale; ~~as a color-aerial image of the property with~~
- b. ~~The limits of~~ all non-disturbance areas;
- c. ~~The limits of any~~ floodplains ~~on the property;~~

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404 Tree Removal Procedures

D Limited Purpose Tree Permit Process

~~a.d. limits, and~~The locations where tree protection measures will be provided;clearly identified.

~~b.e.~~An Aerial Tree Exhibit shall include the same information required by a Tree Preservation Plan as described in provisions a. through o. in the preceding subsection, for the following areas:

- I. Area(s) identified as a required Perimeter Tree Zone(s) unless a 30-foot non-disturbance area is identified along the property line of the proposed development and any existing, platted single-family residential development; and
- II. Area(s) identified as floodplain if reclamation or land disturbing activities are to occur within said areas. The mitigation requirements of §405, *Tree Mitigation and Replacement*Tree Mitigation and Replacement, for the areas being disturbed shall still apply.

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4. Approval Procedure

The Director of Planning shall have the authority to approve or deny a Tree Preservation Plan or Aerial Tree Exhibit as part of the development or building permit process.

5. Expiration

A Tree Preservation Plan shall expire at the same time as the development or building permit expires, whichever expires first.

D. Limited Purpose Tree Permit Process

1. Limited Purpose Tree Permit Application

- a. A Limited Purpose Tree Permit shall be submitted to perform the following types of work on a property located within the City:
 - I. Building demolition;
 - II. Selective thinning;
 - III. Grubbing under drip lines; and
 - IV. Clearing underbrush with mechanical equipment, not including hand tools.
- b. An application for a Limited Purpose Tree Permit shall include the following:
 - I. Application;
 - II. Submittal fees (see [Appendix A – Schedule of Fees](#));
 - III. Affidavit certifying how the work is to be done ~~and any unauthorized protected trees~~;
 - IV. Exhibit showing the limits of work;
 - V. the following standard notations:
 - a. Tree trunks must be cut at ground level where removal of a tree may damage root systems of an adjacent tree.
 - b. All roots two inches or larger in caliper, which are exposed as a result of trenching or other excavation, shall be cut off square.
 - VI. Tree protection measures; and
 - VII. Additional information deemed necessary by the Director of Planning.
- c. The Director of Planning, at their sole discretion, may in limited instances exempt requirements for a permit that are deemed unnecessary.

2. Approval Procedures

The Director of Planning shall have the authority to issue a Limited Purpose Tree Permit if it complies with all the regulations of this Code.

3. Appeals

If the Director of Planning denies the request for a Limited Purpose Tree Permit, the owner/applicant may appeal the decision to the Board of Adjustment in accordance with §203F.1, *Administrative Appeal*Administrative Appeal.

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404 Tree Removal Procedures

D Limited Purpose Tree Permit Process

4. Expiration

A limited use permit shall expire 90 days after the permit was issued if work has not started.

405 Tree Mitigation and Replacement

A. Applicability

The following tree mitigation requirements shall be applied when a protected tree, *including specimen trees*, for which a Tree Permit or Development Permit is required, is critically altered or removed. *Tree mitigation requirements shall apply when any tree is critically altered in violation of this Article.* Replacement trees shall be provided in accordance with the requirements of this section and shown on an approved landscape Plan or another similar plan approved by the Director of Planning. The replacement trees shall be in addition to trees otherwise required by §206A, *Landscaping*, of this Article.

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1. Exemptions

The following shall be exempt from the tree mitigation and replacement requirements described herein:

a. Public parks, infrastructure, and improvements

When approved by the Director of parks and Recreation or the Director of Engineering:

- I. Public projects including the construction of hike/bike trails;
- II. City-owned parks and sports fields open for public use;
- III. Construction of master planned public utilities within permanent utility easements;
- IV. Stabilization of creeks and streams; and
- V. Construction of thoroughfares as shown on the Master Thoroughfare Plan within the limits of the right-of-way *when approved by the Director of Parks and Recreation or the Director of Engineering.*

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b. Diseased Trees

A diseased protected tree may be critically altered when documented by a certified arborist, including information citing the diameter, species, and reason for removal.

2. Exemptions, excluding Specimen Trees

The following shall be exempt from the tree mitigation and replacement requirements described herein:

b.a. Development Activities and Improvements

- I. Install and maintain any utility lines;
- II. Dedicate public rights-of-way;
- III. Construct any public or private streets or alleys at the minimum required width only;
- IV. Provide any required easement up to the minimum width needed to accommodate the required service;
- V. Construct any fire lanes at the minimum required width only;
- VI. Construct any sidewalks;
- VII. Construct any driveways;
- VIII. Construct fences and screening walls;
- IX. Construct patios;
- X. Construct swimming pools and associated deck areas;
- XI. Construct required parking;
- XII. Install a building pad site;
- XIII. Construct any hike/bike trails; or
- XIV. Achieve cut and fill drainage as designed in master drainage construction plan, including required detention or retention ponds. Transitional slopes to the original grade, which are less steep than the maximum allowed slope shall not be exempt.

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405 Tree Mitigation and Replacement
B Responsibility

~~e.b.~~ Demolition

The critical alteration of a protected tree is permitted if such critical alteration is necessary to allow demolition of a structure. ~~The protected tree covered by the permit shall be exempt from the tree replacement and tree protection requirements of this section.~~

~~d.c.~~ Selective Thinning

Selective thinning of certain protected trees from a densely forested area in a manner specified by a certified arborist in a management plan that will enhance the likelihood of survival for the remaining trees is permitted. ~~The protected trees covered by the permit shall be exempt from the tree replacement and tree protection requirements of this section.~~

~~e.d.~~ Grubbing under Drip Lines

Clearing and grubbing of brush located within or under the drip lines of protected trees is permitted with a management plan specified by a certified arborist that will enhance the likelihood of survival for the remaining trees.

~~f.~~ Diseased Trees

~~A diseased protected tree may be critically altered to reduce the chances of spreading the disease to adjacent healthy trees. The protected trees covered by the Tree Permit shall be exempt from the tree replacement and protection requirements of this section.~~

B. Responsibility

The property owner shall be responsible for replacing a protected tree, including specimen trees, subject to the provisions of this section if the tree is critically altered, removed, or dies.

C. Size and Number

A sufficient number of canopy trees shall be planted to equal or exceed the protected trees, including specimen trees, that are critically altered, pursuant to [Table 4-4 Tree Replacement Requirements](#)~~Table 4-4 Tree Replacement Requirements~~, below.

Table 4-4 Tree Replacement Requirements

Single-Family Residential Uses		
DBH of critically altered tree [1]	Replacement ratio (number of trees)	Minimum size of replacement tree (at time of planting) [2]
27 inches and greater	1:1	4 inches in caliper and 12 feet in height
All Development Projects and Non-Residential, Manufactured Home, and Multi-Family Uses		
DBH of critically altered tree [1]	Replacement ratio (DBH removed: caliper inch replaced)	Minimum size of replacement tree (at time of planting) [2]
6-16 inches	1:1	4 inches in caliper and 12 feet in height
17-41 inches	1:2	6 inches in caliper and 12 feet in height
42 inches and greater	1:2	6 inches in caliper and 12 feet in height

[1] When determining the diameter of each tree(s) being critically altered, individual fractional numbers shall be rounded to the nearest whole number.
[2] Caliper for replacement trees shall be measured at 6 inches above the ground.

D. Tree Preservation Credit

When trees are preserved that would otherwise have been exempt from the tree mitigation and replacement requirements, credit toward mitigation may be approved on an inch-per-inch basis. Credits for the size of trees preserved (DBH) can be applied to those trees of an equal or lesser size category, as listed in [Table 4-4 Tree](#)

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406 Violations
E Location

Replacement Requirements Table 4-4 Tree Replacement Requirements. Trees being preserved to meet landscape requirements cannot be used towards mitigation credits.

E. Location

Each replacement tree shall be planted on the same property as the tree that was critically altered. However, if the Director of Planning deems that the replacement tree cannot be planted on the same property in accordance with acceptable arboriculture standards, the following may be allowed:

1. Replacement on public property;
2. Replacement on private property if also approved by the Director of Planning; or
3. Require payment to the Tree Reforestation Fund in accordance with subsection §405G of this section.

F. Timing

1. For Development Permits: Replacement trees shall be planted prior to receiving Final Acceptance of public infrastructure or a Certificate of Occupancy for the development.
2. For Tree Permits: Replacement trees shall be planted within 90 days of critical alteration. If replacement trees cannot be planted within 90 days of critical alteration, the Director of Planning may approve a delay in replacement of up to six months after the date of critical alteration, provided the following conditions are met:

a. The applicant provides an affidavit that all replacement trees will be planted within six months.

b. The Director of Planning may require a cash deposit or surety bond in the approximate amount of the cost to replace the trees.

3. For violations: Replacement trees shall be planted within 90 days of the notice of violation. If replacement trees cannot be planted within 90 days of critical alteration, the Director of Planning may approve a delay in replacement of up to six months after the date of critical alteration, provided the applicant submits an affidavit stating the date in which all replacement trees will be planted,

b.

G. Tree Replacement Payment

If an applicant cannot replace trees on the same property or gain approval to plant on an alternate site, a mitigation payment into the Tree Reforestation Fund shall be required, prior to the issuance of a tree permit or development permit, as follows.

1. The amount of payment required for each replacement tree shall be calculated based on a schedule published and reviewed annually by the Director of Planning which sets forth the average cost of a quality tree added to the average cost of planting a tree.

406 Violations

A. Violation

A violation shall occur when any tree that is preserved or protected by this code is critically altered without authorization. Violation of this ordinance shall not constitute an exemption to the tree mitigation and replacement requirements herein.

B. Occurrence

Each tree that is critically altered shall be considered a separate occurrence. If individual trees cannot be identified but there is evidence of a violation, each square foot of tree canopy removed, as identified on an aerial image within the last 12 months, shall be considered a separate occurrence.

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Article 4: Tree Preservation

406 Violations

C Reforestation Fund Payment Required

C. Reforestation Fund Payment Required

1. For every occurrence (tree), a payment as specified in [Appendix A – Schedule of Fees](#) of the Code of Ordinances, shall be paid into the Reforestation Fund.
2. For every occurrence (tree) found to include a Specimen Tree, a payment as specified in [Appendix A – Schedule of Fees](#) of the Code of Ordinances, shall be paid into the Reforestation Fund.
3. For every occurrence (tree canopy), a payment as specified in [Appendix A – Schedule of Fees](#) of the Code of Ordinances, shall be paid into the Reforestation Fund.

Article 4: Tree Preservation

407 Tree Reforestation Fund

C Reforestation Fund Payment Required

407 Tree Reforestation Fund

- A.** Reforestation funds shall be expended only for purchasing, planting, growing and/or irrigating trees as per the City's Reforestation Plan. Tree reforestation funds shall not be used for routine maintenance.
- B.** It shall be the responsibility of the Director of Planning to develop and administer a Tree Reforestation Plan for the planting, growing, replanting, and appropriate irrigation of trees on all municipal and public domain property. The Director of Planning shall present the Reforestation Plan to the City Council and, when adopted by the Council, the plan shall represent the Reforestation Plan for the City.
- C.** Funds paid into the Tree Reforestation Fund shall be spent within 10 years of payment or shall be returned to the payer.
- D.** The Director of Planning shall submit periodic reports of the deposits and disbursements from the Tree Reforestation Fund to the Tree Board and City Council.

Article 5: Signs

501 Administration

A. Purpose

It is the intention of this section to establish regulations governing the display of signs and in part to achieve the following:

1. 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 injury or harm through distraction or obstruction of vision.
2. 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; and
 - b. Customers and other persons may locate a business or service.
3. 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 interfere with a person's ability to use the public rights-of-way;
 - c. Do not create a nuisance to adjacent and contiguous property by their brightness, size, height, or movement; and
 - d. Are not detrimental to land or property values.

B. Authority and Jurisdiction

1. The terms and conditions of this Article shall apply to all signs located within the corporate limits of the City, pursuant to Chapter 216 of the Texas Local Government Code as amended. The Chief Building Official shall be responsible for interpreting and administering this Article. Allegations of errors in orders, decisions, and/or determinations by the Chief Building Official shall be handled in accordance with §203F.1, *Administrative Appeals*.
2. Signs located on property owned by the City of McKinney, an independent school district, or any other governmental agency are not required to meet the requirements of this Article, but shall still be required to obtain a permit pursuant to §502, *ProceduresProcedures*.

C. Revocation

All rights and privileges acquired under the provisions of this Article or any amendment hereto are mere licenses, revocable at any time by the City Council, and all permits issued hereunder shall contain this provision.

D. Removal of Certain Signs

1. Unlawful Signs

The following signs shall be considered unlawful:

- a. Any sign erected without a required permit, either prior to or after the adoption of this Article;
- b. Any sign erected in violation of the provisions of this Article; and
- c. Any sign that is dangerous due to being electrically or structurally defective.

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Article 5: Signs

501 Administration
D Removal of Certain Signs

2. Removal of Unlawful and Abandoned Signs

- a. Unless otherwise stated by this Article, signs described in §subsection 1. above shall be removed from the property or premises where they are located, or defects as specified shall be remedied, upon written notification by the Chief Building Official to the owner of the property on which the sign is located and/or the permit holder for the sign. The notification required by this provision shall state that if the sign is not removed or the specified defect is not remedied within the prescribed time frame from the date of the notice, a citation may be issued.
- b. Abandoned signs shall be removed from the site within 30 days after the associated business or activity ceases.

3. Removal of Public Nuisance or Hazardous Signs

- a. The Chief Building Official or the Director of Code Services shall, without the requirement of notification or impoundment, order the immediate removal and disposal of the following signs:
 - I. Any non-permanent sign erected or existing that constitutes a traffic hazard; or
 - II. Any 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 permitted as described in §504F, *Signs in the MTC -- McKinney Town Center Zoning District*~~*Signs in the MTC -- McKinney Town Center Zoning District.*~~
- b. 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.

4. Removal of Temporary Signs

The Director of Code Services shall promptly remove and dispose of any unlawful temporary sign(s) erected in, on, or over a public right-of-way or any other City-Owned or City-controlled property.

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502 Procedures

A. Sign Permit Required

No person shall erect, conduct major repair of, or relocate any sign within the City without first obtaining a permit to do so from the Building Inspection Department. Minor repair, however, is allowed without a permit, as defined in §503B.4.a, *Minor Repairs*. Prior to a permit being issued the applicant shall:

1. Submit an application for a permit required by this Article to the Chief Building Official.
2. Pay a permit fee for all signs, except those exempt from the provisions of this Article, calculated from the sign valuation based on the fee schedule set forth in [Appendix A – Schedule of Fees](#) of the Code of Ordinances, as amended.
3. Carry a liability insurance policy (minimum \$20,000.00), for any sign, as defined in this Code, erected or maintained in accordance with §504, *Permitted Signs*, applying for a permit under this Article that covers the subject sign during erection. The policy shall be carried by an approved insurance company authorized to do business in the state. A bond covering the subject sign is also acceptable.
4. For any signs using electrical wiring and connections, provide all information required by and be subject to the approval of the Chief Building Official.
5. Within the H – Historic Overlay District, signs must submit and receive approval of a COA prior to a sign permit being issued.

B. Refusal of Permit for Failure to Pay Costs

The Chief Building Official may refuse to issue a permit under this Article to any person who has refused or failed to pay any costs relating to signs.

C. Sign Permit Issuance

Upon the filing of an application for a sign permit, the Chief Building Official shall examine the plans and specifications and any other data, and the premises upon which the sign is proposed to be erected, and if it shall appear that the proposed sign complies with all the requirements of this Article, the building code and all other laws and ordinances of the City, the permit shall then be issued.

D. Time Limit for Completion of Work

If the work authorized by a permit issued under the provisions of this Article 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.

E. Exemptions

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 section are met:

1. Gasoline and Service Station Signage

Signs located beneath a canopy that do not advertise the premises are exempt. Governmentally mandated signage and signage contained within the individual pumps are also exempt. In addition, 10 square feet of signage is permitted per side under the canopy per set of gasoline dispensers. Letters less than 3 inches in height shall not be counted as part of the sign allowance.

2. Government Flags

Government flags are permitted in conjunction with any use for which a building permit or certificate of occupancy has been issued, provided that each flag does not exceed 40 square feet. A maximum of 3 flags are permitted per site.

Article 5: Signs

502 Procedures
E Exemptions

3. Human Signs

Human signs may be displayed daily from sunrise to sunset and shall comply with the following requirements:

- a. Each sign shall be located on private property or adjacent right-of-way in conjunction with a special event permit.
- 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 1 human sign per business location may be actively engaged per major thoroughfare.

4. Incidental Window Signs

Incidental window signs are exempt from the provisions of this Article, provided not more than 40 percent of the transparent window area is occupied at any one time. See Figure 5-1 : Incidental Window Sign.

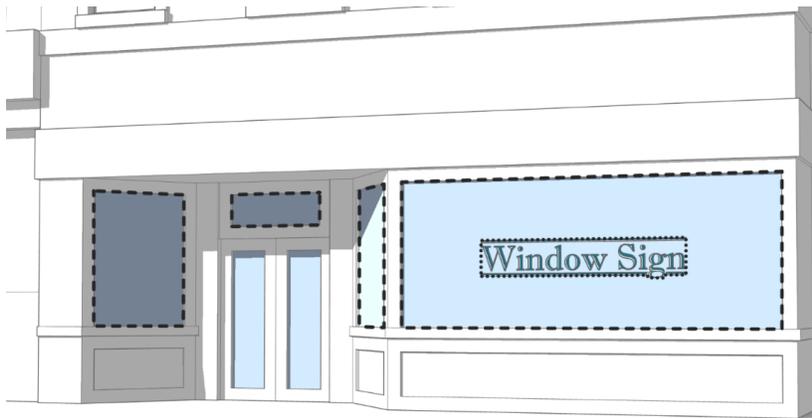


Figure 5-1 : Incidental Window Sign

5. Integral Signs

Monumental citations and commemorative tablets that are carved into stone, concrete, or similar permanent materials and constructed as an integral part of a structure.

6. Menu Board Signs

Restaurants with drive-through service are permitted two menu board signs per premises, limited to 36 square feet in area and six feet in height.

7. 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.

8. Private Signs

Signs not visible from any public right-of-way.

9. Public Entrance Signs

One sign per public entrance per business, not exceeding four square feet of sign area per face.

Article 5: Signs

502 Procedures
E Exemptions

10. Public Signs

Signs erected by or at the direction of a public officer in furtherance of the public interest in the performance of their public duty; however, public signs shall be removed as soon as the public purpose is complete or otherwise no longer applicable.

11. Residential Garage Sale Event Signs

Residential garage sale event 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 event and must be removed within 24 hours following the event. The maximum sign area shall be limited to 4 square feet on each sign face. Signs shall not be attached to any tree, fence, utility pole, or other prohibited location as outlined in §507, *Prohibited Signage*.

12. Vehicular Signs

Vehicular signs or trailers with signs are permitted, provided that the vehicle or trailer on which the sign is located move from a site at least once every 24 hours, and are not being used to serve in the same manner as an additional freestanding sign or temporary sign. Vehicles, vans, trailers or trucks that are parked continuously at the same site for longer than 24 hours and that are being used to display signs are prohibited. Any such vehicle on which signage is located shall be operable and currently registered and licensed to operate on public streets. See Figure 5-2: Vehicular Sign.



Figure 5-2: Vehicular Sign

503 Flexibility and Relief Procedures

A. Meritorious Exceptions

1. Generally

Primary objectives of this section include ensuring the prohibition of signage that has low visual quality, while guarding against the over-regulation of signage.

2. Approval Criteria

It is not the intent of these regulations to discourage innovation. It is possible that signage proposals could be made that, while clearly nonconforming to the requirements of this Article, and thus not allowable under these regulations, 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. In such cases, the Chief Building Official may approve a meritorious exception, if the proposal meets any of the following:

- a. The signage is creative, innovative, or otherwise visually appealing so as to result in a positive contribution to the built environment;
- b. The signage contains an architectural element that positively supplements the visual environment;
- c. The regulations of this section do not adequately describe or regulate the proposed signage;
- d. The signage will promote a strong public interest, including but not limited to wayfinding and the positive identification of essential services; or
- e. The relocation of allowed signage is necessary based on difficulties resulting from building design, orientation, or location.

3. Sign Board Consideration

- a. The Chief Building Official, at their sole discretion, may refer the meritorious exception application to the Sign Board, for consideration and action.
- b. The Chief Building Official may deny a meritorious exception if the proposed sign does not meet the criteria included in subsection 2 above. The applicant whose request was denied may appeal the decision of the Chief Building Official to the Sign Board, in accordance with the procedures outlined in §203F.1, *Administrative Appeals*.

B. Historic Sign Exceptions

1. Generally

A list of Exceptional Historic Signs within the Historic Neighborhood Improvement Zone (HNIZ) shall be maintained by the Director of Planning and is available on the City's website. These signs shall be considered exempt from the requirements of this Article.

2. Designation of Exceptional Historic Sign

For designation as an Exceptional Historic Sign, the Historic Preservation Advisory Board shall find that a sign:

- a. Is at least 50 years in age; and
- b. Possesses a unique quality or character that contributes to the historic character of the HNIZ, MTC -- McKinney Town Center, the sign's immediate neighborhood, or the property on which the sign is located.

3. Appeals

Any appeal of the determination of the Historic Preservation Advisory Board with regard to denial of designation of an Exceptional Historic Sign shall be heard by the Sign Board, as described in §203F.1, *Administrative Appeals*.

4. Replacement or Repair

a. Minor Repairs

- I. Minor repairs for Exceptional Historic Signs shall be exempt from the requirements of this Article.

Article 5: Signs

503 Flexibility and Relief Procedures
C Variances

II. Minor repairs consist of cleaning, painting, and replacement of defective parts, which will keep the sign legible and safe, and which does not change the total area of the sign.

b. Major Repairs or Replacement

- I. In the event that an Exceptional Historic Sign is damaged or destroyed, it may be rebuilt or repaired to its original dimensions.
- II. In the event that the sign requires replacement or repair beyond those that constitute minor repairs as described above, a request in writing shall be submitted to the Historic Preservation Officer.
 - a. Such a request shall specify the proposed materials, colors, and any other description of the replacement sign's character.
 - b. The sign shall be reconstructed or repaired using the same materials as the original, to the greatest extent feasible.

5. Approval of Requests for Major Repair or Replacement

Written requests for replacement or major repair of an Exceptional Historic Sign shall require approval by the Historic Preservation Officer and the Chief Building Official, and shall meet the following standards, where applicable:

- a. New signs replacing Exceptional Historic Signs shall comply with the current adopted building code.
- b. Applications for attached signs shall show the method of attachment. For wall signs attached to historic buildings, attached signs shall be mounted in the mortar of the building, not the brick.
- c. Applications for illuminated signs shall include details for electrical wiring and connections. Electrical wiring shall meet current electrical code.

C. Variances

1. Generally

The rules and regulations found in this Article are the standard requirements of the City. Suspension of any of these rules and regulations may be granted by the Sign Board, upon a good and sufficient showing by the sign owner or his or her agent that there are special circumstances or conditions affecting the property in question, or that enforcement of the provisions of this section will deprive the owner of a substantial property right, and that such suspension, if granted, will not be materially detrimental to the public welfare or to other property or property rights in the vicinity.

2. Application and Standing

All appeals applications related to the denial of a permit shall be deemed complete by the Chief Building Official before being accepted for filing. The Sign Board is responsible for hearing appeals, except those related to content, which are the responsibility of the City Council, as described in provision 4 of this subsection. Appeals may be filed by the owner of the property, or his or her agent, or by a person aggrieved by the denial or a permit under this section, subject to regulations of this Article 5: *SignsSigns*.

3. Appeals of Sign Board Determinations

Any appeals of Sign Board determinations shall be made to a district court, county court, or a county court at law in accordance with state statute, Texas Local Government Code, §211.011 et seq., as amended.

4. Content-Based Appeals

The City Council shall hear all variance requests related to content-based speech issues.

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504 Permitted Signs

The following provisions apply to signs, with the exception of the MTC -- McKinney Town Center Zoning District, which is governed by §504F, *Signs in the MTC -- McKinney Town Center Zoning District*~~*Signs in the MTC -- McKinney Town Center Zoning District*~~.

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A. Illuminated Signs

All illuminated signs shall bear the Underwriters' Laboratories, Inc. (ULI) label or be built in conformance with the City's electrical code requirements, as amended. Additionally, illuminated signs shall comply with the following provisions:

1. No sign or associated luminaire shall create light spillover of more than 0.1 foot-candles at any property line within or bounding a residential use or residential district.
2. 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.
3. External illumination is allowed on the following signs:
 - a. Signs in the MTC -- McKinney Town Center zoning district;
 - b. Detached signs on tracts 25 acres or greater in industrial zoning districts;
 - c. Ground signs in business districts; and
 - d. Institutional signs and multi-family residential signs.

B. Attached Signs: Non-Residential Zoning Districts

Only the following attached on-site signs are allowed in non-residential zoning districts.

1. Projecting Signs

a. Sign Allowance

Projecting signs shall be no more than 15 square feet in area and shall not exceed five feet in height.

b. Sign Location

Projecting signs may project a maximum of five feet from the façade of the building, or up to 50 percent of the width of the sidewalk adjacent to the building, whichever is less. The sign may extend into the right-of-way or above a pedestrian walkway or sidewalk.

c. Sign Clearance

When projecting over a public or private sidewalk, a projecting sign shall have a minimum clearance between the ground and the bottom of the sign of 8.5 feet. See Figure 5-3: Projecting Sign Clearance.

Article 5: Signs

504 Permitted Signs

B Attached Signs: Non-Residential Zoning Districts

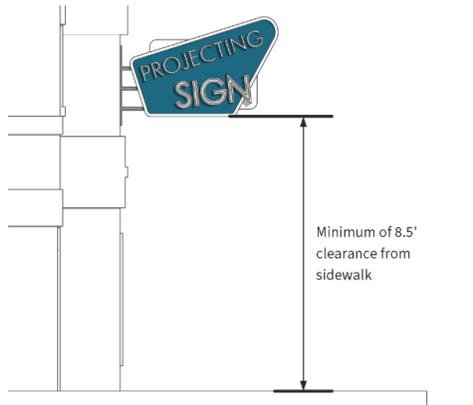


Figure 5-3: Projecting Sign Clearance

2. Wall Signs

a. Sign Allowance

I. Sign Area

The total area per face of a sign shall not exceed one and one-half square feet of face area for each linear foot of building frontage.

II. Multiuse Building

Allowances for individual occupancies within a multiuse building shall be calculated on leased or occupied length of frontage.

III. Multiple Frontages

- a. If the lot on which the building is located has frontage on more than one right-of-way, each street frontage shall be counted for purposes of determining attached sign allowance.
- b. Signage is to be distributed on the sides of the building directly adjacent to a public right-of-way.
- c. Alternate signage is allowed on sides of the building not adjacent to a public right-of-way, not to exceed 25 square feet. See Figure 5-4: Sign Allowance.

Article 5: Signs

504 Permitted Signs

B Attached Signs: Non-Residential Zoning Districts

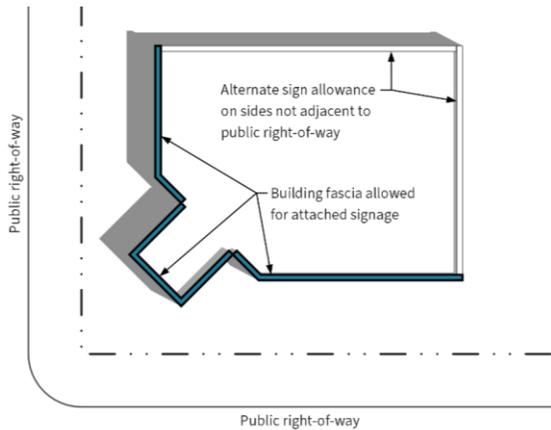


Figure 5-4: Sign Allowance

b. Sign Location

- I. Attached signs may be located on a building wall.
- II. 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.
- III. No sign shall extend above the roofline of the building or more than 12 inches beyond the building wall.
- IV. Where such signs are located on mansard-style roofs, and the building fascia is not vertical, the bottom of the sign shall not project more than 12 inches from said roof and the sign can be oriented in a vertical manner.

c. Sign and Letter/Logo Height in Relation to Structure Height

- I. For multistory structures, attached signage is allowed between the ground level up to a height of 24 feet.
- II. For multistory structures that are four stories in height or more, the standards shown in [Table 5-1](#) below shall apply to letter/logo height in relation to building height:

Table 5-1: Sign and Letter Height on Multistory Structures	
Height of Structure	Maximum Letter/Logo Height (inches)
4 stories	36
5 to 10 stories	48
11 to 15 stories	60
16 stories and above	72

- III. Additionally, [Table 5-1](#) 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.
- IV. Such signage shall be located between the floor level of the top floor and the top of the fascia wall. See Figure 5-5: Sign and Letter/Height in Relation to Structure Height.

Article 5: Signs

504 Permitted Signs

C Detached Signs: Non-Residential Districts



Figure 5-5: Sign and Letter/Height in Relation to Structure Height

C. Detached Signs: Non-Residential Districts

1. Generally

Ground signs shall be engineered to withstand a wind load of 30 pounds per square foot.

2. Location

- a. Detached signs generally shall be restricted to ground signs only; however, pole signs shall be allowed when located within 50 feet from the right-of-way lines of the linear segments of the streets listed below, and when such signs are situated so as to be viewed from such streets:
 - I. U.S. Highway 75 (Central Expressway/Sam Johnson Highway), full length within the corporate limits of the City;
 - II. State Highway 121 (Sam Rayburn Tollway), full length within the corporate limits of the City;
 - III. U.S. Highway 380 (University Drive), between U.S. Highway 75 and State Highway 5 (McDonald Street).
- b. The Sign Board, upon specific application, may approve an exception to allow a pole sign at a location where prohibited herein if the Sign Board determines that pole signs exist in the immediate vicinity and the proposed pole sign would be consistent with existing conditions in the vicinity.
- c. 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 Table 4-3: *Pole Signs*. See Figure 5-7: Visibility Triangle – Pole Signs.

Article 5: Signs

504 Permitted Signs

C Detached Signs: Non-Residential Districts

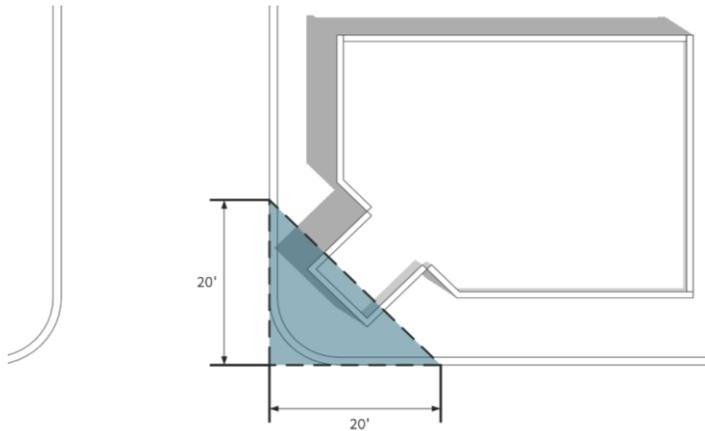


Figure 5-7: Visibility Triangle – Pole Signs

- d. When determining requirements for allowable detached pole or ground signs pursuant to [Table 5-5: Pole Signs](#) or [Table 5-4: Ground Signs](#), 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. See Figure 5-6: Maximum Sign Height and Square Footage – Pole Signs.

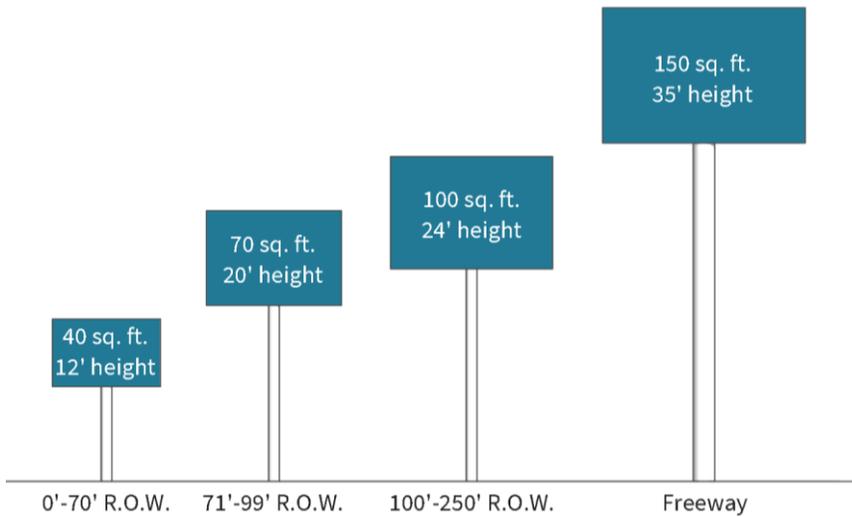


Figure 5-6: Maximum Sign Height and Square Footage – Pole Signs

Article 5: Signs

504 Permitted Signs

C Detached Signs: Non-Residential Districts

e. Separation

Where there is more than one detached sign on a site, there shall be a minimum separation of 20 feet between each detached sign.

3. Size and Number of Signs for Lots with Multiple Frontages

For lots on which a building or buildings have multiple frontages, the size and number of detached signs allowed shall be based on the lot size and location, as set forth in the following table:

Table 5-2: Allowed Size and Number of Detached Signs for Lots with Multiple Frontages

Lot Size or Location	Detached Signs Allowed
3 acres or more	One ground or pole sign is permitted per street frontage based on sign allowances in Table 5-5: Pole Signs , Table 5-5: Pole Signs , or Table 5-4: Ground Signs , Table 5-4: Ground Signs .
Less than 3 acres	One ground or pole sign is permitted per street frontage with a maximum of 60 square feet per side per sign and a maximum height of 20 feet.
Any lot located at the intersection of a major thoroughfare and a freeway	One ground or pole sign is permitted per street frontage, the size to be based on allowances in Table 5-5: Pole Signs , Table 5-5: Pole Signs or Table 5-4: Ground Signs , Table 5-4: Ground Signs .

Exception: If two of the allowable detached signs are combined into 1 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.

4. Calculation of Sign Height

- To calculate the height of a sign, measurement shall be made from the top of the curb adjacent to 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.

5. Calculation of Sign Setback

- 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 Master Thoroughfare Plan and Subdivision Regulations, such distance shall be measured from the line of such right-of-way as required by the Plan or Regulations (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 Master Thoroughfare Plan of the City.

6. Other Regulations

- When electrical service is provided to detached signs, all such electrical service shall be underground.
- All detached ground signs shall be framed, and finish materials used on the sign frame shall match or be complementary to exterior finishing materials of the primary structure on the site.

7. Detached Sign Types

a. Automobile Dealership Signs

I. Number Per Lot

a. Primary Detached Signs

Each franchise within an automobile dealership shall be allowed 1 primary detached sign, although no automobile dealership shall be allowed more than 3 primary signs.

b. Secondary Detached Signs

One secondary detached sign per automobile dealership shall be allowed.

II. Area, Location, and Height Requirements

- All primary detached signs shall conform to provisions of this section.

Article 5: Signs

504 Permitted Signs

C Detached Signs: Non-Residential Districts

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

b. 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. See Figure 5-8: Allowed Banner Attachment to Poles.

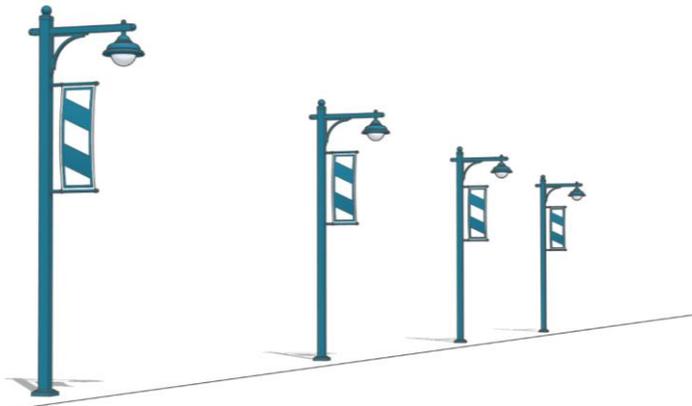


Figure 5-8: Allowed Banner Attachment to Poles

c. Changeable Electronic Variable Message Signs

- I. Signs shall not exceed 60 square feet.
- II. A sign shall display static images for a period of at least 8 seconds.
- III. Variable message signs shall not be animated, flash, travel, blink, fade, or scroll. Variable message signs shall transition instantaneously to another static image.
- IV. 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.
- V. 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. The meter shall be aimed directly at the digital sign.
 - f. 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.

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504 Permitted Signs

C Detached Signs: Non-Residential Districts

g. All measurements shall be taken in foot-candles.

VI. Temporary signs required by government agencies for road and street repairs, public notifications, traffic control, and similar are exempt from the provisions of this section.

d. Development Entrance Signs (Commercial Non-Residential Zoning Districts)

Detached ground signs are permitted at the entrances of developments located in commercial zoning districts located on more than one lot and bisected by one or more publicly dedicated streets. Such signs may be located at each corner of the intersection. Such signs shall conform to the size restrictions in [Table 5-3: Development Entrance Signs](#)

Table 5-3: Development Entrance Signs		
Size	Maximum size (square feet)	Maximum height (feet)
Under 10 acres	36	6
10 acres and above	64	8

e. Ground Signs

Ground signs shall conform to the standards in the following table.

Table 5-4: Ground Signs [1]									
	Zero to 70-foot ROW (feet)			71- to 99-foot ROW (feet)			100- 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	8.5	8.5	10

[1] Lots with multiple frontages are permitted 1 sign per frontage. Sign area allowances for multiple frontages may be combined into 1 sign, with area up to 150% of the largest allowance, or 200 square feet, whichever is less.

f. Kiosk Signs

Shopping centers, office parks, industrial parks, and medical centers shall be permitted no more than five kiosk signs. Such signs shall be limited to six feet in height and a maximum 16 square feet in sign area per side. Once permitted, content on a kiosk sign may be amended without the necessity of additional permitting as tenants change within the development.

g. Multiuse Signs

A multiuse sign that identifies a coordinated development site with 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. If a multiuse sign area exceeds the allowance for a single use, no additional detached ground or pole sign is allowed for any single use within the center or development.

h. Pole Signs

Pole signs, only in locations expressly permitted in §504C.2, shall conform to the standards in the following table.

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D Detached Signs: Residential and Non-Residential Zoning Districts

Table 5-5: Pole Signs [1]

	Zero to 70-foot ROW (feet)			71- to 99-foot ROW (feet)			100- 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	[2]	8	10	20	20	20	24	24	40

[1] Lots with multiple frontages are permitted 1 sign per frontage. Sign area allowances for multiple frontages may be combined into 1 sign, with area up to 150% of the largest allowance, or 200 square feet, whichever is less.

[2] Pole sign not allowed.

D. Detached Signs: Residential and Non-Residential Zoning Districts

The following detached signs are allowed in residential and non-residential zoning districts, subject to the following regulations:

1. Development Entrance Signs (Residential Subdivisions)

In residential zoning districts, 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.

2. Institutional Use Signs

An institutional use shall be allowed one sign, not to exceed 25 square feet per face, and eight feet in height, erected upon the site of the institutional use. Such sign shall require a permit and may be illuminated according to §504A, *Illuminated Signs*.

3. Multi-Family Use Signs

One sign per multi-family development shall be allowed, provided such sign does not exceed 25 square feet in area at the primary entrance; and one sign per secondary entrance that is not to exceed 16 square feet. Such signs shall require a permit and may be illuminated according to §504A, *Illuminated Signs*.

E. Temporary Signs

This section is applicable in both residential and non-residential zoning districts.

1. Change in Occupancy or Ownership Temporary Event Signage

- One additional permit may be obtained per year in conjunction with a change in occupancy or ownership event.
- A change of ownership of less than 75 percent of the owners does not qualify as a new business.
- Such permits may only be issued within 90 days of the issuance of a certificate of occupancy and shall be limited to seven days.
- A permit for change of occupancy signage may include banners, balloons, pennants, feather flags, inflatable, and wind-driven signs.
- Banners, balloons, pennants, and inflatable and wind-driven signs shall be securely tethered, fastened, or affixed to the ground or structure.
- Feather flags used for a change of occupancy or ownership event shall be limited to two flags per site.

Article 5: Signs

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E Temporary Signs

2. Construction Site Signs

a. Residential Districts

On building construction sites, one non-illuminated sign shall be allowed on the site provided that the sign shall not exceed 32 square feet in area, and eight feet in height. Such sign shall be removed prior to the issuance of a certificate of occupancy for said building.

b. Non-Residential Districts

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 1 for each property owner on the construction site, subject to a maximum of three signs for each construction site. Each sign shall be no greater than 32 square feet with a maximum height of eight feet and shall be removed prior to the issuance of a certificate of occupancy for said building.

3. Neighborhood Construction Signs

1 non-illuminated sign shall be permitted upon the approval of a plat for a residential subdivision containing an area of not less than seven lots. The neighborhood construction sign shall be erected upon the property and shall not exceed 32 square feet in area, and eight feet in height, and not more than one such sign is permitted per street frontage. Such signs shall be removed no later than 30 days after the closing of the final real estate conveyance or the issuance of a certificate of occupancy, whichever is later.

4. Temporary A-Frame Sidewalk Signs

Temporary A-frame sidewalk signs are only permitted in the MTC – McKinney Town Center zoning district for businesses that have an entrance immediately adjacent to a public sidewalk. The temporary signs shall meet the standards in §504F.6.

5. Temporary Banners, Posters, and Pennants

Temporary signs, including, but not limited to, banners, posters, and pennants shall be permitted, subject to the following standards:

- a. Temporary banners, posters, and pennants shall be permitted for a maximum of a 30-day period, up to four times per year.
- b. Such signs shall not exceed 50 square feet.
- c. The means of attachment shall not be visible from the public right-of-way.
- d. 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.

6. Temporary On-Premise Yard Signs

- a. One temporary freestanding yard sign shall be allowed subject to the following standards:
 - I. On tracts of land 50 acres or less, one freestanding yard sign, not exceeding 32 square feet in sign area and 12 feet in height.
 - II. On tracts of land over 50 acres, one freestanding yard sign, not exceeding 96 square feet in area and 16 feet in height.
 - III. On tracts of land over 50 acres with 1,000 feet of frontage adjacent to the public right-of-way, one free-standing yard sign, not exceeding 200 square feet per side and 16 feet in height.
- b. For setback requirements, refer to [Table 5-4: Ground Signs](#).
- c. Freestanding yard signs measuring 32 square feet or less shall not require a permit.

7. Temporary Signs During Public Right-of-Way Improvements

During periods where the City of McKinney, Collin County, or Texas Department of Transportation street improvements alter driveway approaches or entrances into non-residential property, temporary signs may be permitted. Such signs shall conform to the following standards:

- a. Signs shall be limited to a total of 16 square feet in area and may not be more than six feet in height.
- b. Only one sign is permitted per driveway.

Article 5: Signs

504 Permitted Signs

F Signs in the MTC -- McKinney Town Center Zoning District

- c. 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.
- d. An application for a temporary sign under this subsection must include a map showing the proposed location of the sign and 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.
- e. During reconstruction of any highway, arterial or collector street, additional temporary signs and banners may be permitted. Such signs shall conform to the following standards:
 - I. One temporary 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 the right-of-way under construction.
 - II. Businesses adjacent to active roadway construction may be allowed temporary signs up to a maximum of 36 square feet in area and may not be more than eight feet in height. Signs shall be located on private property and maintained by the property owner. One such sign is permitted per driveway and shall not block the line of sight for traffic.
 - III. All such signs and banners must be removed from the property within 30 days of final completion of that portion of the reconstruction immediately adjacent to the property in question.

8. Undeveloped Real Estate Site Signs

- a. On undeveloped real estate sites, one non-illuminated sign per right-of-way frontage shall be allowed on the site.
- b. The sign shall not exceed 64 square feet in area, and 12 feet in height.
- c. The sign shall not face a residential neighborhood, unless separated by a major thoroughfare.
- d. The sign shall be located a minimum of 15 feet from any property line.
- e. The sign may be constructed of wood, metal, plastic, or equivalent durable material.
- f. The sign shall have attached, written, or painted in a weatherproof manner the date of the placement and the sign permit number on the sign, in letters not less than one inch in height, in a conspicuous place on the sign face.

F. Signs in the MTC -- McKinney Town Center Zoning District

1. Applicability

The MTC -- McKinney Town Center zoning district is that area established by the MTC regulating plan as shown in Appendix 2B: McKinney Town Center MTC. All signs within the MTC district shall adhere to the standards in this section.

2. Design

- a. Signs shall be designed and constructed in keeping with the historic character and pedestrian-oriented urban design of the district. Signs are subject to review by the Director of Planning and approval is a prerequisite for the issuance of a sign permit.
- b. Materials suggested for use for signs are finished hardwoods, softwoods, metals, glass, or neon.
- c. Internally illuminated signs (three-dimensional cabinet, can, or box construction) with single-sided or double-sided face panels made of plastic or synthetic materials are specifically not allowed. However, signs comprised of internally illuminated individual letters are allowed.

3. Minimum Clearance

- a. 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.
- b. Projecting signs shall have a minimum clearance from the sidewalk of eight feet, six inches 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. See Figure 5-3.

4. Size

Maximum size shall be based on the following:

- a. For every one linear foot of building primary or entrance frontage, a maximum of one and one-half square feet of sign area shall be allowed.
- b. The area of a sign on secondary side-street frontage shall not exceed half the size of the area of a sign 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.
- 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.
- f. Temporary A-frame signs placed on any public sidewalk shall be no greater than 24 inches in width.

5. Number

- a. Two signs are permitted per primary entrance, plus one additional hanging sign if a canopy is used.
- b. One secondary entrance sign is permitted.

6. A-Frame Signs, Portable Signs, or Display Signs

A-frame signs, 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 depth of two feet from the building, with a maximum length over the right-of-way of four feet.
- c. Such signs shall not occupy more than six square feet of the public right-of-way.
- d. A clear path of a minimum of three feet in width shall be maintained on the public right-of-way at all times.
- e. Materials not allowed include plastics, fluorescent materials, paper, or fluorescent paints. Such signs shall also not be illuminated or lighted.
- f. Such signs shall be displayed during business hours only.

505 Comprehensive Sign Package

A. Eligibility

- 1. Notwithstanding anything contained in the foregoing, if property is developed in a non-residential zoning district, in a PD planned development district, or in the MTC -- McKinney Town Center district, all signs on such property may be reviewed and approved as part of a comprehensive sign package, as described in this section.
- 2. Total signage allowed for all sites in the development may be aggregated and the total allowance redistributed.
- 3. Sign locations, types, and sizes may be varied; however, they shall be consistent with site and landscape planning principles and will be considered as part of the review process. Such signage shall also comply with the requirements of §505B *Compatibility of Design*~~*Compatibility of Design*~~.
- 4. Roof signs may be considered in the MTC -- McKinney Town Center district only if reviewed and approved through the comprehensive sign package process.

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B. Compatibility of Design

All signs applied for under the provisions of this section are subject to the approval by the Director of Planning and the Chief Building Official. The following criteria shall be considered:

- 1. The sign's compatibility with surrounding signage as related to location, height, size, and setback;

Article 5: Signs

505 Comprehensive Sign Package
B Compatibility of Design

2. The sign's compatibility with aesthetics as related to color scheme, shapes, design, and materials;
3. The sign's compatibility with surrounding urban design and context; and
4. The sign's relationship to proposed or existing landscaping.

506 Nonconforming Signs

A. Generally

Signs existing as of November 15, 2022 that were 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 that they are advertising is no longer in existence, except for billboards (third-party outdoor advertising). Nonconforming signs that are structurally altered, relocated, or replaced shall comply immediately with all provisions of this section.

1. Any nonconforming sign that has been damaged by fire, wind, or other cause in excess of 50 percent of its replacement cost shall not be restored except in conformance with the provisions of this section.
2. Those signs designated as Exceptional Historic Signs and located in the Historic Neighborhood Improvement Zone (HNIZ) as described in §503B shall be regarded as nonconforming signs. These signs may be repaired or replaced as described in §503B.4 with the approval of the Historic Preservation Advisory Board.

B. Billboard Signs

1. New billboards are prohibited.
2. Existing billboards shall be considered nonconforming signs and shall comply with §506, *Nonconforming Signs*, with the exception of billboard signs fronting U.S. Highway 75 (Central Expressway/Sam Johnson Highway), 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 sign location, if such ground level is above the street or road level.
3. An existing billboard sign may be converted to a digital billboard sign if:
 - a. A second billboard sign is removed; and
 - b. The digital billboard:
 - I. Does not exceed 300 square feet in size per side;
 - II. Does not exceed 40 feet in height; and
 - III. The pole is encased in brick, stone, or synthetic stone material.

507 Prohibited Signage

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

A. Billboards

All new billboard signs are prohibited. Billboards permitted prior to July 1, 2012, may remain in accordance with the regulations of this Article regarding nonconforming signs, as described in §506B, *Billboard Signs*.

B. Certain Illuminated Signs

Any illuminated sign that operates at brightness levels of more than 0.3 foot-candles above ambient light conditions at the property line, or at a distance equal to the square root of the area of the sign x 100 ($\sqrt{\text{Area of Sign in Sq. Ft.} \times 100}$), whichever is closer to the sign, as measured using a foot-candle meter. Illumination levels shall be measured at an approximate height of five feet above grade.

C. Handbills

Distribution of handbills shall be in accordance with Chapter 78 of the Code of Ordinances.

D. Inflatable Signs

Inflatable signs are prohibited in all zoning districts, except as permitted as part of a change in occupancy or ownership event as described in §504E.1, *Change in Occupancy or Ownership Temporary Event Signage*.

E. Painting, Marking Streets, Sidewalks, Buildings, Utility Poles, Trees

No person shall attach any sign, paper, or other material to, or paint, stencil, or write on, or otherwise mark on any sidewalk, curb, gutter, street utility pole, tree, public building or structure unless authorized by this section or by the City Council or its delegated representatives. See Figure 5-8.

F. Portable and/or Display Signs

Portable and/or display signs, except as described in §504E, *Temporary Signs*.

G. 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" in this section shall not apply to the cornice, tower, or spire of a place of worship.

H. 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 20 days prior to the event for which they are requested, and shall indicate the number of searchlights, time of use, intended purpose, and location.

I. Signs Containing Obscene Matter

Any sign that contains statements, words, or pictures of an obscene character.

J. 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 §504F, *Signs in the MTC -- McKinney Town Center Zoning District* ~~*Signs in the MTC -- McKinney Town Center Zoning District*~~, or if erected by the City for public purposes. Detached signs shall maintain a setback as described in §504C.5, *Calculation of Sign Setback*.

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K. Signs Interfering with Traffic

Any sign that imitates an official traffic sign or signal. Any sign that is of a size, location, movement, coloring, or manner of illumination that may be confused with a traffic control device; or that hides from view any traffic or street sign or signal; or that obstructs the view in any direction at a street or road intersection.

L. Signs on Fences or Railings

No person shall paint a sign or attach a sign to the outside of a fence or railing.

M. Wind-Driven Signs

Wind-driven signs are prohibited in all zoning districts, except as permitted as part of a change in occupancy or ownership event as described in §504E.1, *Change in Occupancy or Ownership Temporary Event Signage*.