

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 62 SIGNS, TO CLARIFY DEFINITIONS, INCREASE CERTAIN FEES RELATED TO SIGNS, ADD REGULATIONS FOR VEHICULAR SIGNS, LEASING SIGNS, FOR SALE SIGNS, ABANDONED SIGNS, ADDITIONAL LIGHTING FOR BUILDINGS ON THE DALLAS NORTH TOLLWAY, AND TO CLARIFY ENFORCEMENT PROVISIONS; PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE; AND PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS THAT:

Section 1. The Code of Ordinances (the “Code”) of the Town of Addison, Texas, Chapter 62 (Signs), Section 62-1 – Definitions, is hereby amended as follows:

1. The definition of “*Commercial message*” shall be amended to correct a typographical error in subsection (2) where the word “activcities” shall read “activities.”
2. A new definition will be added in its proper alphabetical order and shall read in its entirety as follows:
Festoon lighting means a string of white outdoor lights suspended between two points as more fully defined in the Electrical Code (NEC).
3. The definition of “*Sign*” shall be amended to read in its entirety as follows:
Sign means any device, flag, light, figure, picture, letter, word, message, symbol, plaque or poster visible from outside the premises on which it is located and designed to inform or attract attention.
4. The definition of “*Sign, movement control*” shall be amended to read in its entirety as follows:
Sign, movement control means a sign which directs vehicular or pedestrian movement within the premises on which the movement control sign is located.
5. The definition of “*Special event*” shall be amended to read in its entirety as follows:
Special event means events which are sponsored in whole or in part by the town.

Section 2. Chapter 62 (Signs), Section 62-33 – Meritorious exceptions, is hereby amended to read as follows:

Sec. 62-33. – Meritorious exceptions.

...

(b) Fees for an application for a meritorious exception sign shall be \$300.00 for each sign with a maximum amount of \$600.00 per premises for each application.

...

(d) The following procedures apply to a meritorious exception:

(1) In the development of the sign criteria, a primary objective has been to ensure against the kind of signage that has led to low visual quality. On the other hand, an equally primary objective has been guarding against overly controlled signage.

(2) It is not the intention of these criteria to discourage innovation. It is entirely conceivable that signage proposals could be made that, while clearly not conforming to this chapter and thus not allowable under these criteria, have obvious merit in not only being appropriate to the particular site or location, but also in making a positive contribution to the visual environment.

(3) The council may consider appeals on the basis that such regulations and/or standards will, by reason of exceptional circumstances or surroundings, constitute a practical difficulty or unnecessary hardship or on the basis that the proposed improvement although falling under the definition of a “sign,” constitutes art that makes a positive contribution to the visual environment.

Section 3. Chapter 62 (Signs), Section 62-34 – Impounded signs, shall be amended to read in its entirety as follows:

Sec. 62-34. – Impounded signs.

(a) Impounded signs may be recovered by the owner within 15 days of the date of impoundment by paying a fee as follows:

(1) A fee of \$20.00 for signs which are 12 square feet or less in size.

(2) A fee of \$25.00 for signs which are larger than 12 square feet in size.

(b) Signs not recovered within 15 days of impoundment may be disposed by the town in any manner it shall elect without liability to the owner.

Section 4. Chapter 62 (Signs), Section 62-35 – Violations, shall be amended to read in its entirety as follows:

Sec. 62-35. – Violations.

It shall be unlawful for any person to intentionally or knowingly violate any term or provision of this chapter; however, this shall not include the failure of a town officer or town employee to perform an official duty unless it is specifically provided in this chapter that the failure to perform the duty is unlawful. Any person violating any of the terms or provisions of this chapter shall be subject to a fine, upon conviction, in an amount not to exceed \$500.00, and each and every day of continuation of such violation shall constitute a distinct and separate offense.

A person is responsible for a violation of this chapter if the person is:

- (1) The holder of a permit issued under this chapter, or the owner or agent of the business advertised, or person(s) having the beneficial use of a sign that violates any provision of this chapter;
- (2) The owner of the land or structure on which the sign is located; or
- (3) The person in charge of erecting the sign.

Section 5. Chapter 62 (Signs), Section 62-51(b) [Permit] Required, shall be amended to change the fee to \$25.00 for a permit to repair a sign.

Section 6. Chapter 62 (Signs) shall be amended to add a new section 62-81 – Abandoned signs, which shall read in its entirety as follows:

Sec. 62-81. – Abandoned signs.

Within 30 days after any business has abandoned its location or tenant space, the building or former tenant owner, or the building or former tenant agent, or the person having beneficial use of the building, structure, or the lot or tract where such business was located shall remove all signs related to such business or have the sign face replaced with a weatherproof, blank face.

Section 7. Chapter 62 (Signs), Section 62-137 – Government signs, shall be amended to read in its entirety as follows:

Sec. 62-137. - Government signs.

(a) Nothing in this chapter shall be construed to prevent the display of governmental signs including signs for the control of traffic or other regulatory purposes, street signs, danger signs, railroad crossing signs and signs of public service companies indicating danger and/or aids to service or safety which are erected by or on approval of the town.

(b) Nothing in this chapter shall be construed to prevent the display of the United States, Texas or Addison flag whose size does not exceed 40 square feet and which flag is displayed upon a flagpole which does not exceed 30 feet in height above the natural grade, or when attached to a building, above the finished elevation of the ground floor as defined by the Building Code. The number of flags on a premises shall not exceed 3. All national flags or state flags in excess of the foregoing sizes must apply for a meritorious exception as set forth in subsection [62-32\(a\)](#).

Section 8. Chapter 62 (Signs), Section 62-138 – Holiday decorations, shall be amended in part as follows:

Sec. 62-138. - Holiday decorations.

All holiday decorations in districts zoned for single-family residential use are exempt from the following regulations. Nothing in this section shall be construed to prevent tree lights or attached building lights of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local, or religious holiday, provided such lights shall be displayed November 15 to January 15 only. Additionally, the code enforcement officer may allow tree lights if such lights meet the following criteria:

...

(6) These provisions shall not apply to festoon lighting, which is permitted.

Section 9. Chapter 62 (Signs), Section 62-140 – Gasoline signs, shall be amended to read in its entirety as follows:

Sec. 62-140. – Gasoline signs.

Gasoline price per gallon or credit card signs may be mounted on pump islands only, with the maximum total area of any single sign face not to exceed twelve square feet. One such sign shall be allowed for every four pumps up to a maximum of four signs. All other signage on a pump or pump island shall be limited to the business or fuel identification, operational instructions and state required information.

Section 10. Chapter 62 (Signs), Section 62-143 – Single-family, duplex or townhome residential premises, shall be amended to read in its entirety as follows:

Sec. 62-143. – Single-family, duplex or townhome residential premises.

A single family, duplex or townhome residential premises may display one detached, nonilluminated sign which may advertise a garage sale on the premises or refer to the sale or lease of the premises. The sign shall not exceed three square feet. All detached special purpose signs must conform to all the restrictions set forth in this chapter. Except as provided in [section 62-247](#), all political signs must comply with the provisions set forth in this chapter.

Section 11. Chapter 62 (Signs), Section 62-145 – Certain vehicular signs, shall be amended to delete subsection (a)(3) and to add subsection (b)(5) which shall read in its entirety as follows:

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Sec. 62-145. – Certain vehicular signs.

...

(b) Further, vehicular signs are permitted provided that:

...

(5) The vehicle on which the vehicular sign is located, when on the premises of the business to which such sign relates, shall be parked out of view from the public right of way. If this is not possible due to the configuration of the site, then the vehicle on which the vehicular sign is located must be parked as far away as reasonably possible from the public right of way.

Section 12. Chapter 62 (Signs), Section 62-146 – Window signs, shall be amended to read in its entirety as follows:

Sec. 62-146. – Window signs.

(a) Signs in windows visible from public rights-of-way are limited to ten percent of the ground floor window area per façade.

(b) ...

(c) In buildings with multiple tenants, these provisions shall be applied to each individual tenant based on the size of the windows located within that portion of the façade adjacent to the tenant's leased premises.

Section 13. Chapter 62-162 – Premises signs, shall be amended to amend subsection (d) which shall read in its entirety as follows:

Sec. 62-162. – Premises signs.

...

(d) All signs and their messages shall be mounted parallel to the building surface to which they are attached. No sign or message shall project more than 18 inches from the surface to which they are attached. No sign shall be located on the roof or project over the roof line of a building. This does not apply to signs located above structural elements of the building, but which remain below the roof of the façade on which the sign is located.

Section 14. Chapter 62 (Signs), Section 62-163 Area, Subsection (5), shall be amended to read as follows:

Sec. 62-163. – Area.

Total effective area of attached signs shall not exceed the following schedules:

...

(5) The street curb referenced in Schedule B shall be the street curb closest and/or adjacent to the property where the sign is to be installed and distance shall be measured from the closest point on the sign to the closest point on the street curb. Maximum letter/logo height of attached signs shall be determined by Schedule A or Schedule B as follows:

...

(b) Not more than 50 percent of the letters in each individual sign height category in Schedules A and B may be 25 percent taller than the specified maximum letter/logo height.

Section 15. Chapter 62 (Signs), Section 62-187 – Multifamily premises, shall be amended to read in its entirety as follows:

Sec. 62-187. - Multifamily premises.

Multifamily premises may have detached signs subject to the following restriction regarding the number of signs. Each premises may have one detached premises sign, provided, however, that premises with more than 750 feet of frontage along a public way, other than an alley, may have one additional detached sign for each 500 feet of additional frontage.

Section 16. Chapter 62 (Signs), Section 62-208 – Real estate/leasing signs, shall be amended to read as follows:

Sec. 62-208. – Real estate/leasing signs.

Permission is granted to property owners for the erection of a sign to advertise the sale, lease or rent of the property or undeveloped land on which the sign is located. Real estate signs are limited to one per lot except for lots with frontage along more than one public right of way. Any lot with frontage along more than one public right of way may have one sign along each public right of way provided that each frontage is at least 300 feet in length and the signs are spaced at least 50 feet apart. Such signs shall not be placed on utility or light poles, public or private. Signs shall be constructed as follows:

(1) Real estate/leasing signs:

...

Section 17. Chapter 62 (Signs), Section 62-210 – Construction signs, shall be amended to read in its entirety as follows:

Sec. 62-201. – Construction signs.

Permission is granted to developers to erect temporary construction signs designed solely to identify contractors, financiers, architects, engineers, and to advertise the coming of new businesses on the premises to which the sign pertains. Such signs shall not be erected prior to the issuance of a building permit for the project to which the sign pertains, and must

be removed prior to the issuance of a certificate of occupancy. Such signs shall comply with the provisions of this chapter provided that no sign shall contain more than 36 square feet in effective area. All such signs shall comply with the design standards and regulations as determined by the town. In the case of residential subdivision development, such signs shall be allowed until 75 percent of the residential lots have been sold or 18 months after the issuance of the first certificate of occupancy, whichever event is the first occurring.

Section 18. Chapter 62 (Signs), Section 62-226 – Generally, shall be amended to read in its entirety as follows:

Sec. 62-226. – Generally.

Movement control signs may be erected at any occupancy or upon any premises, other than a single-family or duplex premises, may be attached or detached and may be erected without limit as to number provided that such signs shall comply with all other applicable requirements of this chapter. The occupant of premises who erects a movement control sign shall comply with the following requirements:

- (1) Each sign must not exceed two square feet in effective area.
- (2) Each sign shall be located at least 50 feet behind the back of curb.
- (3) Each sign shall only convey a message which directs vehicular or pedestrian movement within the premises on which the sign is located.
- (4) The sign must contain no advertising.
- (5) Lettering on the attached and detached movement control sign, not to exceed four inches in height, may be used for identification purposes only.

Section 19. Chapter 62 (Signs), Section 62-246 – Temporary banner signs; prohibited, exceptions, shall be amended to read in its entirety as follows:

Sec. 62-246. – Temporary banner signs; prohibited, exceptions.

Temporary banner signs are prohibited in all zoning districts in the town except for the following:

Any premises or any nonresidential occupancy may display one banner sign announcing a grand opening of a new business. Display of such sign is limited to a maximum of 60 days per opening. The privilege to begin display of such sign expires three months after the issuance of a certificate of occupancy. Use of grand opening signs only apply to new ownership. Size of banner is limited to 50 square feet with at least one-half of all readable copy stating "Grand Opening" or "Now Open."

Section 20. Chapter 62 (Signs), Section 62-272 – Advertising by balloon prohibited, shall be renamed and amended to read in its entirety as follows:

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Sec. 62-272. – Advertising by flag or balloon prohibited.

Advertisement by means of a flag or balloon or other inflated sign anchored to the ground, a building or other structure is prohibited.

Section 21. Chapter 62 (Signs), Section 62-280 – Roof signs prohibited, shall be amended to read in its entirety as follows:

Section 62-280. – Roof signs prohibited.

No sign shall be located on the roof or project over the roof line of a building. This does not apply to signs located above structural elements of the building, but which remain below the roof of the façade on which the sign is located.

Section 22. Chapter 62 (Signs), Section 289 – Special Districts, Generally, Subsection (f) Dallas Parkway, shall be amended to add a new sub, subsection (3) which shall read in its entirety as follows:

Sec. 62-389. – Generally

...

(f) Dallas Parkway.

...

(3) Section 62-270 prohibiting luminaries of any type that outline the elements of a building façade, shall not apply to buildings that are 6 or more stories in height.

Section 23. Incorporation of Premises. The above and foregoing recitals and premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 24. Savings; Repealer. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Provided, however, that the repeal of such ordinances or parts of such ordinances and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or an penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

Section 25. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this

Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 26. Penalty. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished in accordance with the provisions of Section 1-7 of the Code of Ordinances, Town of Addison, Texas, as amended.

Section 27. Effective Date. This Ordinance shall take from and after its adoption and publication as required by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the _____ day of _____, 2015.

Todd Meier, Mayor
Town of Addison, Texas

ATTEST:

By: _____
Laura Bell, City Secretary

APPROVED AS TO FORM:

By: _____
Brenda N. McDonald, City Attorney