Agenda Information Sheet

October 13, 2016

Agenda Item

Consider approval of an ordinance repealing and replacing in its entirety Chapter 24 of the Code of Ordinances entitled Signs and Billboards.

The Image Advisory Board unanimously recommended approval.

City Commission unanimously approved the first reading.

Background & Summary of Request:

The City's current sign ordinance lacks many areas that you would typically find in a current municipal sign ordinance, such as size (area and height) of the sign, permitted locations, maintenance or obsolete signage, temporary signs, permit requirements, and variance processes. In an effort to improve the overall image of the city, staff has drafted a sign ordinance that contains those items listed above. In addition to place great responsibility of property owner to keep all signs maintained in a reasonable manner and still all signs on properties located in nonresidential zoning districts.

Below are a few basic highlights of the proposed ordinance:

- This ordinance places regulations on signs based on the roadway the sign is being placed on, such as signs along HWY 59 or HWY 80 are allowed larger signs than if a sign is located along South Washington or Houston Streets.

- Prohibits any off-premise signs including any new billboards.

- Establishes regulations for how signs are measured and where they may be located on the property and creates regulations for electronic reader board signs.

- Establishes regulations for existing signs to ensure they are kept in good maintenance.

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER 24 OF THE CITY OF MARSHALL, TEXAS CODE OF ORDINANCES ENTITLED "SIGNS AND BILLBOARDS" SFINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS CONDUCTED IN STRICT COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Marshall, Texas (the "City") deems it necessary and proper and in the best interests of the citizens of the City to repeal and replace Chapter 24 of the Marshall Code of Ordinances entitled "Signs and Billboards"; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COMMISSION OF MARSHALL, TEXAS THAT:

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved.

Section 2. That Chapter 24, in the City of Marshall's Code of Ordinances the new subsection shall read as follows:

"Chapter 24 Sign & Billboard Regulations

Section 24-1 – Purpose

The purpose of this chapter is to permit such signs that will not, by their reason, size, location, construction or manner of display, endanger the public safety of individuals, confuse or mislead or obstruct the vision necessary for traffic safety, or otherwise endanger public health, safety, morals, and to permit and regulate signs in such a way as to support and complement land use objectives and maintenance of existing property values within the city.

Section 24-2 – Exceptions and Exemptions

The provisions and regulations of this chapter shall not apply to certain classes of signs which are designated in this section; provided however that no signs are allowed within city or state right-of-way, affixed to a fence, telephone pole, light pole, tree or likewise.

a. Real estate signs not exceeding nine square feet in area per face pertaining to the sale or rental of the property on which they are displayed.

b. Professional nameplates and occupational signs denoting only the name and occupation of an occupant in a commercial building or public institution building, not exceeding six square feet in area.
c. Memorial or historical signs as designated by federal, state, or local governments.
d. Traffic or other municipal signs, legal notices or danger signs posted by federal, state, or local governments.
e. Non-advertising warning signs or trespassing signs on private property, not exceeding nine square feet in area.
f. Non-advertising signs of public utility companies as may be required in their operations in providing services for the health and welfare of the general public, or as required by any law or regulations of the state or any agency thereof.
g. Directional and street identification signs for public and private developments and businesses denoting entrance, exit, and direction of traffic flow; provided such sign does not exceed four feet in height or twelve square feet in area and does not inhibit traffic flow of pedestrians or vehicles.
h. For private parks, one sign up to 20 square feet in area to give information or regulations.
i. Civic and church signs for events and fundraising. These signs are not allowed to exceed six square feet in area and must follow all applicable regulations of this chapter as determined by the Director of Planning & Development.
j. Signs on public school facilities that do not exceed fifty square feet in dimension and that do not exceed thirty feet in height.

Section 24-3 – Definitions

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

Billboard means any sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than on the premises where such signs appear. If such business, commodity, service or entertainment is merely incidental to the use of such property where such sign appears, such sign shall be deemed a billboard.

Business frontage means the linear measurement of the side of the building which contains the primary entrance of the building.

Double-faced sign means a single sign with two parallel sign faces back to back.

Electronic sign means a sign that consists of lights, light emitting diodes ("LED"), or other form of illumination that displays a message or picture.

Identification sign means any sign which carries only the firm, business or corporate name, the major enterprise on the premises, or the principle products offered for sale on the premises.

Menu board means a sign used to inform the public of the list of dishes, foods, or entrees available in a restaurant and may include the corresponding prices.

Movement control sign means an on-site traffic control sign which directs vehicular or pedestrian movement within or onto a premise.

Moving sign means any sign, sign appendages, or apparatus designed or made to move by an electrical or mechanical device.

Monument sign means any permanent, low profile, onsite sign placed on a monument base.

NIT means a measurement of light luminance equal to one (1) candela per square meter (cd/m^2).

Nuisance sign shall include, but not limited to the following;

a) Signs containing statements, words, or pictures of an obscene, indecent, or immoral character, such as will offend public morals or decency.
b) Signs which imitate an official traffic sign or signal, or which contain the words "stop", "go slow", "caution", "danger", "warning", or similar words.
c) Signs which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device, which hide from view any traffic or street sign or signal, or which obstruct the view in any direction at a street or road intersection.
d) Signs which are moving, flashing, intermittently lighted, changing color, beacons, revolving, or similarly constructed, except as otherwise permitted in this chapter.
e) Signs which are unsafe or unsecured, abandoned, or dilapidated.

Pole sign means any sign supported by and place upon poles or standards.

Political sign means a temporary sign which refers only to the issues or candidates involved in a political election.

Projecting sign means any sign which is affixed or attached to, and is supported solely by, a building, wall or like structure, which extends beyond the building, wall or like structure, or parts thereof.

Real estate sign means any sign advertising property for sale, lease or rent.

Roofline means the height above finished grade of the upper beam, rafter, ridge or purlin of any building.

Shopping center/integrated development means a development consisting of two or more interrelated business establishments using common driveways and on-site parking.

Sign means any structure, part thereof, or device or inscription which is located upon, attached to, or painted or represented on any land or on the outside of any building or structure, or an awning, canopy, marquee or similar appendage, or permanently affixed to the glass on the outside of the building or

Temporary or portable sign means any sign that is not permanently attached to the ground or to a building, or that is not designed to be permanently attached to the ground or building, including, but not limited to torpedo signs, A-frame signs, inflatable device signs, wind-driven signs, real estate signs, temporary directional signs, promotional posters, banners, and political signs as herein defined.

Wall sign means all flat signs, either of solid face construction or individual letters, symbols or pictures, which are placed against the exterior wall of any building or structure, extending not more than 18 inches from the face of such building or structure, and parallel to the building or structure.

Section 24 – 4 – Nonconforming Signs, Maintenance of Existing Signs, & Abandoned or Obsolete Signs

a. *Nonconforming Signs* - Signs which do not conform to this chapter but which were lawfully existing and maintained on the effective date of Ordinance No. O-76-15 shall be kept in good repair and visual appearance and no structural alterations shall be made thereto. If more than 75 percent of the total dollar value for replacement of a nonconforming sign is damaged, the sign shall be replaced with a conforming sign rather than repairing the damage. Businesses that have one or more nonconforming sign will not be granted permits unless the permit is for a conforming sign that will replace a nonconforming sign.
b. *Maintenance of Existing Signs* - Every sign in the city, regardless of whether any permit is required for such sign, shall be maintained in a safe, presentable, and sound structural and operational condition at all times. Signs not meeting the standards of

good sign repair shall be subject to repair after written notification by the city to the sign owner. If such order is not complied within ten business days, the city may remove such sign at the expense of the owner. If, a sign has been damaged or is found to be in such a state of disrepair that it constitutes a hazard to the health, safety, and welfare of the general public and would require major repairs as defined herein, the sign may be removed without prior notice to the owner. Additionally, the following provisions shall apply to the maintenance of existing signs:

1. There shall be no permit required to restore/repair a sign to its original condition. However, major repair of an existing sign requires a permit.
2. All signs, together with all sign supports, braces, guys, and anchors, shall be kept in repair and, unless of galvanized or corrosive-resistant metal, shall be thoroughly painted as often as needed to maintain a neat appearance, meaning lettering or other items are not faded or worn and can clearly be read by the traveling public.

c. *Abandoned or Obsolete Signs* - Any sign now or hereafter existing which no longer advertises a bona fide business conducted or a product sold at said premises, shall be removed by the owner of the building or structure upon which the sign may be found or associated within twelve months after the said business has been closed; provided, however, if the premises containing the sign is leased, such sign shall be removed within twenty-four months after the most recent tenant ceases to operate the premises.

Section 24 - 7 – Prohibited Signs

a. No sign shall be erected or placed within, or project over any public sidewalk, street, alley, right-of-way, or other public place except as permitted in this article.
b. No sign of any kind shall be placed in such a manner as to obstruct any fire escape, door, window, or other passageway leading to a fire escape or to a street exit, nor shall the sign be fastened in any manner to a fire escape.
c. No off-premises signs are allowed including billboards unless specifically permitted within this chapter.
d. No sign shall be placed or maintained in such a manner as to constitute a nuisance as that term is defined herein.
e. No person shall attach or maintain any sign upon any tree, shrub, fence post, public utility pole, traffic control device, or public building.
f. No person shall place, attach, or maintain any sign on vacant lots or abandoned buildings, except on premise real estate signs shall be permitted.
g. No flashing signs, rotating or moving signs, animated signs, signs with moving lights, or signs which create the illusion of movement shall be permitted.
h. Signs attached to or upon any vehicle, including a trailer, when the primary use of said vehicle is to provide a base for such sign or constitute the sign itself are prohibited.
i. Any sign not specifically allowed under this chapter is hereby prohibited, except as allowed by the Director of Planning & Development.

j. No sign shall be erected or placed within twenty (20) feet of any residence or be so placed as to obstruct the lighting of any street, alley or public space, or interfere with any public utility service.

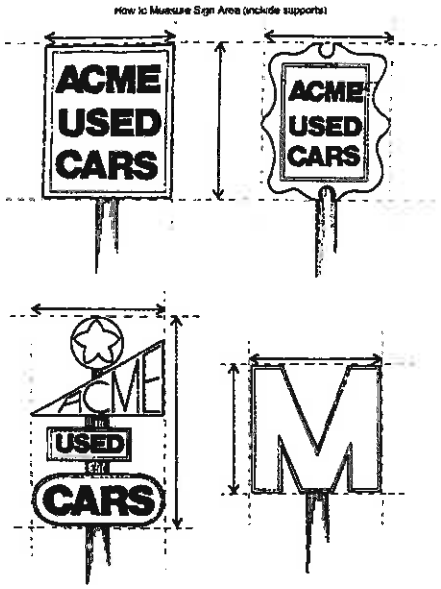
Section 24- 5 - Sign Design, Placement & Measurement

a. Location. Any sign shall be placed within the buildable area of a lot excluding directional signs, identification signs and subdivision entry signs, which may be placed in any yard, but not closer than five feet to the right-of-way.

b. *Sign area measurement.* For the purposes of this article, sign area shall be measured as follows:

1. *Square, rectangular or triangular signs:* length times greatest height of the sign.

2. *Sign composed of individual cutout letters or figures:* length multiplied by the greatest height of the sign.



c. *Height.* Sign height shall be measured from ground level to the highest element of the sign.

d. *Distance between signs.* Whenever a minimum distance between signs is indicated in this article, it refers to the horizontal distance between signs measured from the points as if each sign touched the ground.

e. *Construction materials.* All signs shall conform to the city's standard specifications for building materials and design. Monument signs shall consist of the same material, colors, and textures as the associated primary structure(s). Monument and pylon signs adjacent to public rights-of-way shall be constructed with like material of the primary structure.

Section 24-6 - Permit and inspection required.

a. *Permit required.* Except as otherwise indicated, no sign may be installed, relocated, posted, painted, or maintained by any person without first obtaining a permit from the city.
b. *Application.* Any application for a sign permit must include a dimensioned drawing illustrating the location, design, height, effective sign area measurement, base, frame materials, color schemes, and letter size of the sign, including a site drawing showing the location of the sign on the property in relation to other built features. More detailed plans may be required to be submitted that are prepared by a state registered professional engineer or architect.
c. *Fees.* Fees are applicable with most sign permits. Refer to the city's approved fee schedule. Fees are nonrefundable.
d. *Inspections required.* All signs require inspection by the city prior to covering electrical work, if applicable, and at the completion of sign construction.
e. *Permit expiration.* A permit for a sign shall expire if the construction of said sign is not completed within 180 days after the permit has been issued.

Section 24 - 8 – Temporary Signs (Banners/Flags/Bandit Signs)

The only temporary signs permitted within the city are banners, flags, and bandit signs. These signs are only allowed in non-residential zoning districts. Single tenant buildings may have no more than four temporary signs displayed at one time. All temporary signs must be in good condition and can only advertise goods or services offered onsite. Temporary signs are not allowed to impair vehicular or pedestrian traffic flow or cause distraction to drivers. Permits are not required for temporary signs; however the property owner has ten days to remove a temporary sign once notified by the city that the sign is no longer in good condition.

Section 24 - 9 – Free Standing Signs

a. Pole Signs
    1. Pole signs are only allowed in non-residential zoning districts and may only advertise businesses, goods, and services onsite.
    2. Only businesses located on HWY 59, HWY 80, HWY 43, Loop 390, and I-20 are allowed to have pole signs.
    3. Each free standing building shall be allowed one pole sign. Any multiple-tenant building, strip shopping center, mall, or shopping center shall be required to utilize a Multiple-Tenant sign.
    4. Any projecting or overhanging portion of a pole sign must be a minimum of five (5) feet above any walkway and sixteen feet above driveways and traffic areas.
    5. A pole single-tenant sign shall not exceed 150 square feet in area per sign face and 30 feet in height.
    6. Single-tenant pole signs located within 1,000 feet of Interstate 20 right-of-way shall not exceed 250 square feet in area per sign face and 40 feet in height.
    7. Free standing multiple-tenant pole signs shall not exceed 300 square feet in area per sign face and 30 feet in height.

8. Free standing multiple-tenant pole signs located within 1,000 feet of Interstate 20 right-of-way shall not exceed 500 square feet and 40 feet in height.

b. Monument Signs
   1. Monument signs are only allowed in non-residential zoning districts and may only advertise businesses, goods, and services onsite.
   2. Each free standing building shall be allowed one monument sign. Any multiple-tenant building, strip shopping center, mall, or shopping center shall be required to utilize a Multiple-Tenant sign.
   3. Single-tenant monument signs shall not exceed 150 square feet in area per face and 10 feet in height.
   4. Multiple-tenant monument signs shall not exceed 300 square feet in area per face and 15 feet in height.
   5. All monument signs shall be located at least five (5) feet from a public right-of-way or property line.

Section 24 - 10 – Wall Signs

a. Wall signs shall not exceed 40 square feet in area or the product of 2 times the lineal footage of the wall area available to such signs or store frontage for which such signs are intended, whichever is greater. Such wall signs shall not exceed 75% of the width of the available wall area or store frontage. Wall signs shall not extend above the height of the wall to which they are attached.
b. The exposed face of the sign shall not be more than 12 inches from said wall at the nearest point. However, electric signs may project not more than 18 inches from said wall.
c. Wall signs must be located on the building of the business they are advertising.

Section 24 – 11 – Electronic Signs

An electronic sign that meets all other requirements of this chapter, and other regulations of the City, may be located in non-residential zoning districts and on school or church property in any zoning district, subject to this section.

a. No electronic sign shall be illuminated to an intensity which causes glare or brightness to a degree that could constitute a hazard or nuisance to a motor vehicle operator on a public roadway. Electronic signs shall be programmed or equipped so that the intensity of its display shall automatically adjust according to natural ambient light conditions. The maximum night time luminance level shall not exceed seven-hundred fifty (750) cd/m^2 (NITS).
b. The message or picture conveyed by an electronic sign shall not blink, flash, or be animated; the message or picture conveyed shall not change more frequently than once

every eight (8) seconds; and a change of message must occur simultaneous on the entire sign face. The transition time between messages shall not exceed three (3) seconds.

c. All electronic sign faces shall be limited to a maximum sign area and a maximum sign height as provided in Sections 24-9 and 24-10 of this chapter.
d. Electronic signs are not permitted within one-hundred fifty (150) feet of any existing residence or residentially zoned property.
e. All power to an electronic sign shall be supplied underground and shall be installed in accordance with the latest adopted electrical code.

Section 24 – 12 – Window Signs

Signage is permitted on windows, provided that not more than 30 percent of the transparent area of the windows is occupied at one time. Permits are not required for window signs.

Section 24 – 13 – Awning Signs/Canopy Signs

a. An awning sign may extend the full length of the wall of the building to which it is attached and shall be no more than six (6) feet in height and shall provide a clearance of eight (8) feet above the sidewalk. Artwork on an awning sign shall not exceed twenty percent of the area of the awning.
b. A canopy sign may be attached to, or be an integral part of the face of a canopy. A canopy sign may consist only of the name and/or logo of the business at the location of the canopy. Art work on a canopy sign shall not exceed ten percent of the face of the canopy, or a maximum of twenty-five square feet, whichever is greater.

Section 24 – 14 – Variances

a. Any person requesting a variance from the provisions of this chapter shall submit an application on a form provided by the city, containing the information and plans requested in the application along with the appropriate non-refundable application fee as determined by resolution approved by the City Commission. A completed application should be submitted to the Planning & Development Department and the variance shall be heard and acted on by the Zoning Board of Adjustments within 30 days of receipt.
b. The Board may grant a variance from the requirements of this chapter if it finds that all of the following factors exist:
    1. Due to some unique condition or feature of the property which is not generally common to other properties, literal compliance with the sign regulations would cause unnecessary hardship;
    2. The granting of the variance would not violate the spirit or intent of the regulation; and
    3. The condition or feature which creates the need for the variance did not results from the property owners own actions.

c. The Board shall not grant a variance to any applicant solely for personal convenience, financial hardship, or other reasons unrelated to the property. If the Board grants a variance, the variance shall be granted only to the extent that it is reasonably necessary to remedy the hardship. The Board may impose conditions relating to the use of the sign for which a variance is granted.
d. All decisions of the board granting or refusing a variance shall be reduced to writing and signed by the chairperson. If a variance is denied, the decision shall state the conditions for the variance which were not met. If the Board grants a variance, the decision shall state that all conditions for a variance were met and specify the degree to which the regulations are being varied."

Section 3. That the meeting at which this ordinance was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

Section 4. That all other prior ordinances or portions of ordinances of the City of Marshall in conflict with the terms and provisions of this ordinance are hereby repealed to the extent of such conflict only.

Section 5. That the repeal of any ordinance or portion of an ordinance by this ordinance shall not affect the validity of any pending enforcement action or fines outstanding and due and payable on or before the effective date of this ordinance.

Section 6. That if any section, paragraph, subdivision, clause, phrase or provision of this ordinance is hereafter determined to be invalid or in violation of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Commission of the City of Marshall that all other terms and provisions of this ordinance not affected thereby shall remain in full force and effect.

Section 7. That this ordinance shall be effective from and after its passage and publication as required by law.

Section 8. The provisions of this ordinance shall be included and incorporated in the City of Marshall Code of Ordinances as an addition and/or amendment thereto.

PASSED AND APPROVED this _____ day of _____, 2016.

AYES: _____

NOES: _____

ABSTAINED: _____

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2016.

AYES: _____

NOES: _____

ABSTAINED: _____

_____

Eric Neal
CHAIRMAN OF THE CITY COMMISSION OF
THE CITY OF MARSHALL, TEXAS

Attest:

_____

Elaine Altman, City Secretary