

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY PROVIDING CERTAIN DELETIONS AND ADDITIONS UNDER SECTIONS 13-1, 13-4, 13-5, 13-6, 13-26, 13-53 THROUGH 13-65, 13-72, 13-73 AND 13-75 THEREBY UPDATING THE REGULATIONS FOR THE SIGN ORDINANCE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE, PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Chapter 13 of the Code of the City of Mesquite, Texas, is hereby amended by providing certain deletions and additions under Sections 13-1, 13-4, 13-5, 13-6, 13-26, 13-53 through 13-65, 13-72; 13-73 and 13-75 to read as follows, said Chapter in all other respects to remain in full force and effect:

- (1) *Section 13-1.* Amend Section 13-1 by deleting the definition for “Director” in its entirety and adding new definitions for “Director” and “Freestanding permanent on premise sign” to read as follows:

Director means the Director of Planning and Development Services.

Freestanding permanent on-premise sign means a freeway-oriented monument sign, gateway sign, monument sign or pole sign.

- (2) *Section 13-4.* Amend Section 13-4 by deleting Sections 13-4(2) and 13-4(7) in their entirety and adding new Sections 13-4(2) and 13-4(7) to read as follows:

- (2) *Procedure.* A property owner or the owner’s authorized representative may file with the Planning and Zoning Division of the City an application for variance to the height, size or location of a permitted sign. Such application shall be made on a form provided by the City. Upon filing of an application, the Manager of Planning and Zoning will within 10 business days determine if the application is complete. If incomplete, the application shall be returned to the applicant noting the areas of deficiency. If complete, the application will be set on the next available Board agenda, in accordance with the preset schedule for such meetings, for a public hearing. In no event will the hearing date be more than 45 days from the date the application is deemed complete.

- (7) *Time limits.* Each determination of the Board granting a variance shall be conditional upon the privileges being utilized within 180 days after the date of the Board’s decision. If a permit application is not filed within that time and carried on diligently to completion, the authorization shall become void and the variance granted by the Board shall be deemed to have lapsed.

- (3) *Section 13-5.* Amend Section 13-5 by deleting Section 13-5(2) in its entirety and adding a new Section 13-5(2) to read as follows:

- (2) *Procedure.* A property owner or the owner's authorized representative may file with the Director an application for variance to allow the placement of an electronic video screen in a location of a permitted sign. Such application may also include a request for variance relating to the height, size and design of a permitted sign and shall be made on a form provided by the City. Upon filing of an application, the Director will, within 10 business days, determine if the application is complete. If incomplete, the form shall be returned to the applicant noting the areas of deficiency. If complete, the application will be set on the next available City Council agenda, in accordance with the preset schedule for such meetings, for a public hearing. In no event will the hearing date be more than 45 days from the date the application is deemed complete.

- (4) *Section 13-6.* Amend Section 13-6 by deleting the section in its entirety and adding a new Section 13-6 to read as follows:

Sec. 13-6. Nonconforming signs.

- (1) The use of a permanent sign existing at the time of the adoption of this Chapter may be continued in nonconformance with the requirements of this Chapter, except that the nonconforming sign shall not be enlarged or increased in height. A nonconforming sign may be repaired to the extent necessary to maintain it in a safe condition and neat and orderly appearance. A nonconforming sign may be altered if neither the area nor the height of the sign is increased.
- (2) A nonconforming sign structure may not be replaced by another nonconforming sign structure except where damage caused by weather or other unintentional occurrence beyond the control of the owner, warrants the sign's repair.
- (3) A nonconforming sign shall be removed or modified to conform to this Chapter upon the occurrence of both of the following:
- (a) When the primary structure on the property is demolished; and
- (b) When the business, person or activity that the sign identifies or advertises has ceased to operate for more than one year on the premise on which the sign is located, or, if the premise is leased, two years after the date the most recent tenant ceased to operate on the premises.
- (5) *Section 13-26.* Amend Section 13-26 by deleting Section 13-26(1) in its entirety and adding a new Section 13-26(1) to read as follows:

- (1) A sign contractor shall register with the Building Inspection Division of the Planning and Development Services Department prior to engaging in such business within the City.
- (6) *Sections 13-53 – 13-65 Reserved.* Amend Sections 13-53 – 13-65 by deleting the reserved sections in their entirety and adding new reserved Sections 13-53 – 13-64.
- (7) *Section 13-65.* Amend by adding a new Section 13-65 to read as follows:

Sec. 13-65. Number of signs.

In any non-residential zoning district, one freestanding permanent on-premise sign is allowed per 300 linear feet of street frontage, or portion thereof, except where otherwise regulated by this Code. Multiple freestanding permanent on-premise signs on the same property must be a minimum of 60 feet apart.

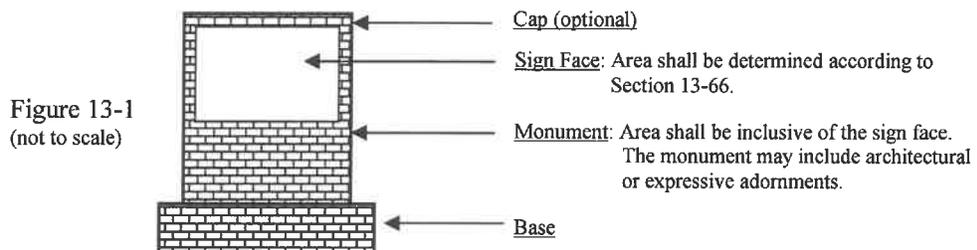
- (8) *Section 13-72.* Amend by deleting Section 13-72(13) in its entirety and adding a new Section 13-72(13) to read as follows:
 - (13) In addition to all other signs prohibited in this Section, the following signs shall be prohibited:
 - (a) *A-frame signs.*
 - (b) *Roof signs.*
 - (c) *Movable signs, except as expressly permitted in this Chapter.*
 - (d) *Portable signs, provided that portable signs with a valid permit on or before October 2, 2007, may continue until such permit expires, after which time the permit shall not be reissued, renewed or extended.*
 - (e) *Garage sale signs on public property.*
 - (f) *Pennants in poorly maintained condition.*
 - (g) *Sign walkers on public property or not on the premises of the business to which customers are directed.*
 - (h) *Off-premise and other signs not expressly permitted in this Chapter or otherwise under law.*
- (9) *Section 13-73.* Amend by deleting Section 13-73(10)(a) in its entirety and adding a new Section 13-73(10)(a) to read as follows:
 - (a) An electronic message center with a maximum area of fifty (50) square feet may be permitted as a component of a monument sign, pole sign, freeway-oriented monument sign or a gateway sign. An

electronic message center shall be included in the calculation of the maximum area for any sign.

- (10) *Section 13-73.* Amend by deleting Section 13-73(15) in its entirety and adding a new Section 13-73(15) to read as follows:

(15) *Monument sign.*

- (a) A monument sign shall consist of a base, a monument and the sign face as illustrated in Figure 13-1.



- (b) Monument signs are allowed as follows:

1. A sign face may have a maximum area of fifty (50) square feet. The area of the base shall not exceed 50 percent of the area of the monument. The area of the monument shall not exceed two times the area of the sign face.
2. A sign shall not create a traffic visibility hazard.
3. The sign shall have a base. The sign face shall be affixed to, mounted upon or encased by a monument with an exterior frame or side margin of not less than six inches. The base and monument (exclusive of architectural or expressive adornments) shall consist of a non-faux veneered unitized masonry using the same material combination and color as the principle façade of the primary structure.
4. A sign may have a maximum height of ten (10) feet, including the base, above the adjacent grade; provided that in residential districts or on a parcel with a primary residential use, a sign may have a maximum height of six feet. Creating a grade by berming or adding fill to increase the height of the sign is prohibited.
5. An irrigated landscaped area consisting primarily of bushes, shrubs and ornamental grasses that is equal to or greater in size than the total surface area of the monument sign shall be installed around the base of the sign.

- (c) The number, size or height or appearance of monument signs may be adjusted as follows under the following circumstances:

1. For parcels with a street frontage greater than 150 feet and occupied by a multi-tenant building exceeding 25,000 square feet, Planned Development office/industrial park, or on a street frontage that abuts the right-of-way of a highway with a legal posted speed limit of 55 m.p.h. or greater, one of the monument signs for the parcel may be erected to the following specifications: the area of the sign face may be increased to 100 square feet, and the height of the sign may be increased to 20 feet, including the base, above the adjacent grade. If the sign is greater than 10 feet in height, the width of the monument shall not exceed two-thirds the height of the sign. The area of the base shall not exceed 25 percent of the area of the monument.

- (11) *Sections 13-73(19) through 13-73(24).* Amend by renumbering Sections 13-73(19) through 13-73(24) to Sections 13-73(20) through 13-73(25) and adding a new Section 13-73(19) to read as follows:

(19) *Pole Signs.*

- (a) One pole sign per lot shall be permitted on parcels with non-residential zoning that abut the right-of-way of any of the following freeways: Interstate Highway 20, Interstate Highway 30, Interstate Highway 635 or U.S. Highway 80.
- (b) Pole signs shall have a maximum height of 35 feet or 25 feet above grade at the nearest point of the nearest highway lane, whichever is greater.
- (c) Maximum area shall be 200 square feet.
- (d) Pole signs shall be setback a minimum of 30 feet from interior side and rear property lines.
- (e) Pole signs shall be setback from any residential zoning district boundary by a minimum distance equal to the height of the sign.
- (f) Any visible part of the pole portion of a sign structure and any encasement of a pole shall meet one of the following requirements:
 1. Colors shall be one solid color and limited to earth tones, black or white; or
 2. If the pole is encased with brick or stone, the natural color of the masonry shall be maintained.

- (12) *Section 13-73.* Amend by deleting Section 13-73(24)(d) in its entirety and adding a new Section 13-73(24)(d) to read as follows:

(d) If an electronic message center is located on the parcel, the maximum wall sign area, height and width specified in this subsection shall be reduced by twenty-five percent (25%).

(13) *Sections 13-75(4)(i) through 13-75(4)(n).* Amend by renumbering Sections 13-75(4)(i) through 13-75(4)(n) to Sections 13-75(4)(j) through 13-75(4)(o) and adding a new Section 13-75(4)(i) to read as follows:

(i) *Pole sign.*

SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Five Hundred (\$500.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

SECTION 5. That this ordinance shall be effective immediately on and after its passage provided that for any complete sign permit application pending on the effective date of this ordinance that the application shall be governed by the provisions of Chapter 13 in effect on the date that the application was filed, unless the applicant elects in writing to apply all the terms of this ordinance to said application.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of May, 2018.

Stan Pickett
Mayor

APPROVED:



Paula Anderson
Interim City Attorney

ATTEST:

Sonja Land
City Secretary