

ORDINANCE NO. 515

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, PROVIDING FOR THE PURPOSE AND DEFINITIONS; PROVIDING FOR PERMIT PROCEDURES AND FEES; PROVIDING FOR ALL ZONING DISTRICTS; PROVIDING FOR BUSINESS ZONING DISTRICTS; PROVIDING FOR NON-BUSINESS ZONING DISTRICTS; PROVIDING FOR NON-CONFORMANCE AND EXCEPTIONS; PROVIDING FOR PROCEDURE FOR VARIANCE OF ALL SIGNS IN THE CITY OF ADDISON TOGETHER WITH THEIR APPURTENANT AND AUXILLIARY DEVICES; PROVIDING FOR A REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. PURPOSE. Signs use private land and the sight lines created by the public rights-of-way to inform and persuade the general public by publishing a message. This chapter provides standards for the erection and maintenance of private signs. All private signs not exempted as provided below shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public, and in part to achieve the following:

- A. Safety. To promote the safety of persons and property by providing that signs:
  1. Do not create a hazard due to collapse, fire, collision, decay or abandonment;

2. Do not obstruct fire fighting or police surveillance; and
3. Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.

B. Communications efficiency: To promote the efficient transfer of information in sign messages by providing that:

1. Those signs which provide messages and information most needed and sought by the public are given priorities.
2. Businesses and services may identify themselves.
3. Customers and other persons may locate a business or service.
4. No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes.
5. Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.

C. Landscape quality and preservation: To protect the public welfare and to enhance the appearance and economic value of the landscape, by providing that signs:

1. Do not interfere with scenic views;
2. Do not create a nuisance to persons using the public right-of-ways;
3. Do not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement; and
4. Are not detrimental to land or property values.

SECTION 2. DEFINITIONS. For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. Building - means a structure which has a roof supported by columns, walls or air for the shelter, support, or enclosure of persons, animal or chattel.

12. Sign Protective - means any sign which is commonly associated with safeguarding the permitted uses of the occupancy, including, but not limited to, "bad dog," "no trespassing," and "no solicitors."
13. Signs, Special Purpose - means a sign temporarily supplementing the permanent signs on the premises.
14. Sign Support - means any pole, post strut, cable, or other structural fixture or framework necessary to hold and secure a sign, providing that said fixture or framework is not imprinted with any picture, symbol or word using characters in excess of one inch in height, nor is internally or decoratively illuminated.
15. Sign, Vehicular - means any sign on a vehicle moving along the ground or on any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs which are being transported to a site of permanent erection.
16. Sign Device - means any flag, banner, pennant, streamer, or similar device that moves freely in the wind. All wind devices are considered to be signs, and are regulated and classified as attached or detached, by the same rules as other signs.
17. Zoning District, Business - means any zoning district designated by the Comprehensive Zoning Ordinance of the City of Addison as LR, C, I-1, I-2, I-3. Any PD District is also included in this list, unless specifically excluded by its provisions.
18. Zoning District, Non Business - means any zoning district not designated as a business district in accordance with the above definition.

### SECTION 3. PERMIT PROCEDURES & FEES.

- A. Administration. The provisions of this ordinance shall be administered and enforced by the division of building inspection.
- B. Permits. No sign shall be erected, constructed, relocated altered, repaired or maintained except as provided in this article until a permit for such has been issued and the fee paid, except as otherwise provided in this article.
- C. Applications. All applications for permits shall include a drawing to scale of the proposed sign and all existing signs maintained on the premises and visible from the right-of-way, a drawing of the lot plan or building facade indicating the proposed location of the sign, and specifications.

D. Fees. Every applicant, before being granted a permit hereunder, shall pay to the City of Addison the applicable fee herein defined.

1. Fees for a permit to erect, alter, replace or relocate a sign shall be twenty dollars (\$20.00) for each sign.
2. It shall be unlawful for any person to repair or make alterations to any sign requiring a permit without first obtaining a repair permit and making payment of the fee required. Fees for a permit to repair shall be ten dollars (\$10.00).
3. When a sign is erected, placed or maintained, or work started thereon before obtaining a sign permit, there shall be a late fee equal to twice the amount of the sign permit fee. The late fee does not excuse full compliance with the provisions of this article.

E. Electrical Permit. Prior to issuance of a sign permit for a sign in which electrical wiring and connections are to be used, an electrical permit must be obtained according to the existing fee schedule. The electrical inspector shall examine the plans and specifications submitted with the application to insure compliance with the Electrical Code of the City. No sign shall be erected in violation of the Electrical Code.

#### SECTION 4. PROVISIONS FOR ALL ZONING DISTRICTS

- A. Imitation of traffic and emergency signs prohibited. No person shall cause to be erected or maintained any sign using any combination of forms, words, colors, or lights, which imitate standard public traffic regulatory, emergency signs, or signals.
- B. Signs over right-of-way prohibited. No sign shall be erected closer than ten (10) feet from an existing public right-of-way or be constructed so as to project over such right-of-way.
- C. Special purpose signs, movement control signs and protective signs.
  1. An occupant may erect special purpose signs other than political signs at any occupancy or upon any premises for a maximum of twelve (12) times in each calendar year, for a maximum total of 60 days per calendar year.
  2. Special purpose political signs may be erected at any occupancy or upon any premises provided such signs comply with all other applicable requirements of this ordinance.
    - a. An occupant shall not display special purpose political signs until the candidate or person sponsoring an issue or his authorized representative has filed a written statement with the Building Inspection

2. Effective Area - means the area enclosed by drawing a rectangle of horizontal and vertical lines which fully contain all extremities of the sign drawn to scale, exclusive of its supports. The measurement is to be calculated from the viewpoint which gives the largest rectangle of that kind, as the viewpoint is rotated horizontally around the sign. The effective area for attached signs shall mean the sum of the areas of the minimum imaginary rectangles enclosing each word attached to any particular facade.
3. Facade - means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in the directions within forty-five degrees (45°) of one another, they are to be considered as a part of a single facade.
4. Premises - means a lot or unplatted tract, or a combination of contiguous lots or unplatted tracts if the lot or tract, or combination is under single ownership and is reflected in the plat records of the city.
5. 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 the attention of persons not on that premises, excluding searchlights.
6. Sign, Attached - means any sign attached to, applied on, or supported by, any part of a building (such as a wall, roof, window, canopy, awning, arcade, or marquee) which encloses or covers usable space.
7. Sign, Detached - means any sign connected to the ground which is not an attached sign, inclusive of signs on movable objects, except signs on vehicles which are moving or are parked only temporarily, incidental to their principal use for transportation.
8. Sign, Movement Control - means a sign which directs vehicular or pedestrian movement within or onto the premise on which the movement control sign is located.
9. Sign, Non-premises - means any sign which is not a premises sign.
10. Sign, Political - means any type of non-premises sign which refers only to the issues or candidates involved in a political election.
11. Sign, Premises - means any sign the content of which relates to the premises on which it is located referring exclusively to the name, location, products, persons, accommodations, services or activities of or on those premises, or the sale, lease, or construction of those premises.

Department guaranteeing the removal of all signs erected on behalf of the candidate or person sponsoring an issue within the ten (10) day period provided in this chapter.

- b. An occupant may erect special purpose political signs for a period of sixty (60) days prior to any primary or general election and shall remove the signs within ten (10) days after the election.
3. Movement control signs may be erected at any occupancy or 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 ordinance. The occupant of a premises who erects a movement control sign shall comply with the following requirements:
    - a. Each sign must not exceed two square feet in effective area.
    - b. If a sign is an attached sign, the words must not exceed four inches in height.
    - c. Each sign must convey a message which directs vehicular or pedestrian movement within or onto the premises on which the sign is located.
    - d. The signs must contain no advertising or identification message.
  4. The occupant of a premises may erect not more than two protective signs, in accordance with the following provisions:
    - a. Each sign must not exceed one square foot in effective area.
    - b. Detached signs must not exceed two feet in height.
    - c. Letters must not exceed four inches in height.
- D. Vehicular Signs. Vehicular signs shall conform to the following restrictions:
1. Vehicular signs shall contain no flashing or moving elements.
  2. Vehicular signs shall not project beyond the surface of a vehicle.
  3. Vehicular signs shall not be attached to a vehicle so that the driver's vision is obstructed from any angle.
- E. Portable signs are specifically prohibited.
- F. No sign shall be allowed which moves by any means.

- G. No sign shall be erected in violation of the building code of the city.
- H. No person shall attach or maintain any sign upon any tree or public or private utility pole or structure.
- I. No person shall paint a sign or attach a sign, other than a nameplate sign, to the outside of a fence, railing or a wall which is not a structural part of a building, whether or not on the property line.
- J. No person shall attach any sign, paper or material, or paint, stencil or write any name, number (except house numbers) or otherwise mark on any sidewalk, curb, gutter, or street.
- K. Government Signs. Nothing in this chapter shall be construed to prevent the display of a national flag or state flag, or to limit flags, insignia, legal notices, or informational, directional, or traffic signs which are legally required or necessary to the essential functions of government agencies.
- L. No sign shall be illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance. Moving, flashing, intermittently lighted, changing color, beacons, revolving or similarly constructed signs shall not be allowed.
- M. Temporary construction signs are allowed when complying with the requirements of this chapter, providing that such signs shall not be erected prior to the issuance of the building permit for the project the signs pertain to, and that such signs must be removed prior to the issuance of a certificate of occupancy for said building.
- N. Words may be attached to machinery or equipment which is necessary or customary to the business, including but not limited to, devices such as gasoline pumps, vending machines, ice machines, etc., provided that words so attached refer exclusively to products or services dispensed by the device, and project no more than one inch from the surface of the device.

#### SECTION 5. PROVISIONS FOR BUSINESS ZONING DISTRICTS

- A. Detached Signs. Detached signs are permitted in business zoning districts as follows:
  - 1. Detached signs must be premises signs only; off-premises signs are prohibited.
  - 2. Only one detached sign of any type may be erected on any premises, except that:
    - a. Premises which have more than four hundred-fifty (450) feet of frontage along the public way other than an alley, may have not more than one additional

detached sign for each additional four hundred fifty (450) feet of frontage or fraction thereof.

b. Any premises or any non-residential occupancy may be granted a temporary permit for no more than one detached special purpose sign provided that sign conforms to all other provisions governing detached signs.

3. No detached signs shall exceed thirty-six (36) square feet in effective area or twenty (20) feet in height; all such signs shall have a minimum ground clearance of five (5) feet. *with a height of no more than 10'*

4. Detached signs designed to identify multiple establishments and/or advertise multiple occupants within a shopping center, office park or medical center shall be approved by the City Council.

B. Attached Signs. Attached signs are permitted in business areas in accordance with the following provisions:

1. All attached signs must be premises signs.

2. All signs and their words shall be mounted parallel to the building surface to which they are attached, and shall project no more than 18 inches from that surface except as otherwise provided in this chapter.

3. Any premises or any non-residential occupancy may temporarily display one special purpose sign on each facade, limited to eight words with characters equal to or exceeding a height of four inches. The total effective area of the combined signage shall contain no more than fifty (50) square feet.

4. Attached signs may project more than eighteen (18) inches from building surfaces as follows:

a. Any premises or any non-residential occupancy may erect not more than one attached sign projecting up to a maximum of four (4) feet from a vertical building surface, but not above the roof provided that the premises or occupancy maintains no detached sign on the premises, and that the sign does not exceed twenty (20) square feet in effective area and that no part of the sign descends closer to grade than ten (10) feet, nor projects into or over any public right-of-way.

b. On any premises or non-residential occupancy a sign may be erected at the eaves or edge of the roof or on a parapet or edge of a canopy provided that the sign is parallel to the facade, and does not project more than six feet above the surface to which it is attached.



5. Total effective area of attached signs shall not exceed the following schedules:
  - a. An attached sign located at a height up to twenty-four (24) feet or less may have an area not exceeding that calculated by multiplying the length of the building front by two (2) feet. In no event may an attached sign located at a height of twenty four (24) feet or less exceed a maximum effective area of two hundred (200) square feet.
  - b. An attached sign located at a height above twenty four (24) feet shall be permitted an increase in maximum effective area. Such increases shall not exceed four (4) square feet in effective area for each additional one foot of height above twenty-four (24) feet measured from the base of the sign.
  - c. Attached signs may be located on each facade; however, the sum of the effective area of all attached signs shall not exceed twice the allowable effective area as specified in above paragraphs (1) and (2).
  - d. Maximum letter height of attached signs shall be determined by the following schedule: (The sign height shall be measured from the base of the sign to the ground.)

<u>Sign Height</u>	<u>Maximum Letter Height</u>
Between 0 - 24 feet	16 inches
Between 24 - 36 feet	24 inches
Between 36 - 48 feet	36 inches
Between 48 & up feet	48 inches

Letter heights in excess of 48 inches shall be approved by the City Council.

#### SECTION 6. PROVISIONS FOR NON-BUSINESS ZONING DISTRICTS

- A. The provisions of this article apply to all signs in any non-business district, and also to signs which are within twenty-five (25) feet of a non-business district boundary.
  1. No sign shall be illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance.
  2. An occupant in non-business zoning districts may erect only special purpose signs, special purpose political signs, and premises signs which include movement control signs and protective signs. Temporary holiday decorations are permitted.
- B. Detached Signs.
  1. Multi-family and non-residential premises may have detached signs subject to the following restrictions:

- a. Number of Signs: Each premises may have no more than one detached premises sign provided, however, that premises with more than seven hundred fifty (750) feet of frontage along a public way, other than an alley, may have not more than one additional detached sign for each five hundred (500) feet of additional frontage or fraction thereof. Each premises may display not more than one detached special purpose sign.
  - b. Setback, effective area, and height: A minimum setback of ten (10) feet is required of all detached signs. A minimum setback of fifteen (15) feet from the public right-of-way is required for signs exceeding ten (10) square feet in effective area and ten feet in height. A minimum setback of twenty (20) feet is required for all signs exceeding twenty (20) square feet in effective area or fifteen (15) feet in height. No detached sign shall exceed thirty six (36) square feet in effective area and twenty (20) feet in height.
2. A single-family or duplex residential premises may display one detached sign which must refer to the sale or lease of the premises, and may display detached political signs provided that detached special purpose and political signs must conform to all the restrictions set forth in this chapter.

C. Attached Signs.

1. Attached signs are permitted for multi-family premises, non-residential premises, and non-residential occupancies in non-business zoning districts subject to the following restrictions:
    - a. All attached signs must be premises signs.
    - b. All signs erected pursuant to this section shall be limited to one per facade per occupant or premises.
    - c. No occupant shall be permitted to have more than one special purpose sign per facade.
    - d. All signs and their words shall be mounted parallel to the building surface to which they are attached. No sign or words shall project more than eighteen (18) inches from the surface to which they are attached. Signs shall not be mounted on roofs and shall not project above roofs.
- D. A single-family or duplex residential premises may display only one attached sign which must refer to the sale or lease of the premises. This sign must conform to all restrictions set forth in this chapter.

## SECTION 7. NON-CONFORMANCE & EXCEPTIONS

- A. Purpose of Article. It is the declared purpose of this article that in time all privately owned signs shall either conform to the provisions of this ordinance or be removed. By the passage of this ordinance and its amendments, no presently illegal sign shall be deemed to have been legalized unless such sign complies with all current standards under the terms of this ordinance and all other ordinances of the City of Addison. Any sign which does not conform to all provisions of this ordinance shall be a non-conforming sign if it legally existed as a conforming or non-conforming sign under prior ordinances, or an illegal sign if it did not exist as a conforming or non-conforming sign, as the case may be. It is further the intent and declared purpose of this ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time this ordinance was adopted shall be discharged or affected by such passage, but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted, and causes presently pending may proceed.
- B. Impoundment and Condemnation.
1. Signs adjudged by the Building Inspector to be structurally unsafe or to be more than fifty percent destroyed or dilapidated may be condemned. A condemnation letter will be sent to the owner of the property stating that the sign must be demolished within fifteen (15) days of the receipt of the letter. If the sign is not removed within the period allotted the City may remove the sign at the property owner's expense.
  2. All of the following signs shall be considered a public nuisance and the City may, without notice, remove and impound any of the following signs:
    - a. Any sign erected or existing that constitutes a traffic hazard.
    - b. Any sign erected without a permit, either prior to or after the adoption of this ordinance, if a permit was required.
    - c. Any sign erected in violation of the provisions of this ordinance.
    - d. Any sign erected in or over a public right-of-way, either prior to or after the adoption of this ordinance.
- C. Removal of Certain Non-Conforming Signs.
1. Signs which do not conform to the provisions of this ordinance shall be removed before August 9, 1982.

2. No non-conforming sign shall be repaired or renovated except to bring the sign into compliance with the provisions of this ordinance, or to change its message.
3. Non-conforming signs which are damaged must be demolished and not repaired unless such proposed repairs would bring the sign into compliance with the provisions of this ordinance.

D. Impounded Signs - Recovery--Disposal.

1. Impounded signs may be recovered by the owner within fifteen days of the date of impoundment by paying a fee as follows:
  - a. A fee of five dollars for signs which are twelve (12) square feet or less in area.
  - b. A fee of ten dollars for signs which are larger than twelve square feet in area.
2. Signs not recovered within fifteen (15) days of impoundment may be disposed of by the City in any manner it shall elect.

E. Exceptions to Article. The following signs may be erected and maintained under the exceptions and conditions listed:

1. Personal property sale and special purpose political signs. Permission is granted as a special privilege for dwelling occupants for the erection of nonilluminated personal property sale signs and special purpose political signs to be erected in the required front yard of dwellings no closer than fifteen feet to any street curb line provided that only one such sign not exceeding three square feet may be erected on the dwelling premises. No permit shall be required.
2. Temporary real estate directional signs. Permission is granted as a special privilege to home builders within the city boundaries to erect temporary, nonilluminated, directional signs for weekend advertising. Signs shall not be placed earlier than 1:00 p.m. Friday and shall be removed no later than 1:00 p.m. on the following Monday. Such signs shall not be placed closer than ten (10) feet from an existing public right-of-way and their placement must be approved by the building inspector. No permit shall be required.
3. Real Estate signs. Permission is granted to property owners for the erection of a sign to advertise the sale, lease or rent of the property on which the sign is located. Real estate signs must be spaced at least fifty (50) feet apart along a lot frontage and there may be no more than four such signs per lot, the total effective area of which may not exceed thirty six (36) square feet. Such signs shall be removed as soon as the

property to which they refer has been sold, rented or leased. A sign permit is required.

4. Monument signs. Any sign which is of monolithic or semi-monolithic construction being made from masonry or concrete materials, wood or steel or combination thereof, which gives the impression of a monument or marker, with no separation between the base of the sign and grade, may be erected provided that such sign may not exceed seventy-two (72) square feet in effective area per side. Only one monument sign of any type may be erected on any premises. Additional monument signs on any premises and/or monument signs in excess of seventy-two (72) square feet of effective area per side must be approved by the governing body.
5. Temporary Construction Signs. Permission is granted to developers to erect temporary construction signs designed to identify contractors, financier, architects, engineer, and to advertise the coming of new business on the premises the sign pertains to. Such signs shall not be erected prior to the issuance of the Building Permit of the project the sign pertains to, and must be removed prior to the issuance of a Certificate of Occupancy. Such signs shall comply with the provisions of this chapter with the exception that no sign shall contain more than two hundred (200) square feet in effective area.

#### SECTION 8. PROCEDURE FOR VARIANCE

- A. The governing body may allow signs to vary from the size, location or construction requirements of this ordinance.
- B. The governing body shall not hold its public hearings or take action until it has received a final report from the Planning and Zoning Commission.
- C. Written notice of all public hearings before the Zoning Commission on proposed changes shall be sent to owners of real property lying within two hundred (200) feet of the property on which the change is proposed, such notice to be given not less than ten (10) days before the date set for hearing.
- D. A public hearing shall be held by the governing body before adopting any proposed amendment, variance or change. Notice of such hearing shall be given, by publication one (1) time in the official publication of the City, stating the time and place of such hearing which time shall not be earlier than fifteen (15) days from the first date of publication.

SECTION 9. That Ordinance No. 348 is hereby repealed and all other Ordinances and provisions contained therein of the City of Addison in conflict with the provisions of this ordinance be and the same are

hereby repealed and all other provisions of said ordinances not in conflict with the provisions of this ordinance remain in full force and effect.

SECTION 10. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

SECTION 11. That any person, firm or corporation violating any of the provisions of this ordinance, shall upon commission be deemed guilty of a misdemeanor, and shall be subject to a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense; and each day such violation continues shall constitute a separate offense.

SECTION 12. The fact that the present sign ordinance is inadequate to properly safeguard the general public welfare, health and safety, creates an urgency and an emergency, and requires that this ordinance become effective immediately upon its passage and publication of the captioned as the law in such cases provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF ADDISON,  
TEXAS, this the 26<sup>th</sup> day of June, 1979.

MAYOR



ATTEST:

Jacque Sharp  
CITY SECRETARY