FARMERS BRANCH

ORDINANCE NO. 3247

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING IN ITS ENTIRETY CHAPTER 62 OF THE CODE OF ORDINANCES OF THE CITY OF FARMERS BRANCH, TEXAS, TITLED "SIGNS, ADVERTISING AND MERCHANDISE DISPLAY REGULATIONS"; AMENDING APPENDIX A "FEE SCHEDULE" TO THE CODE OF ORDINANCES TO CONFORM TO THE AMENDMENTS TO CHAPTER 62; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE UP TO TWO THOUSAND DOLLARS ($2,000.00) PER VIOLATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Farmers Branch finds the development and enforcement of sign regulations is in direct relation to maintaining property values and to the protection of health, safety, welfare of the general public, and

WHEREAS, the City Council of the City of Farmers Branch finds that allowing for appropriate signage may enhance property values and sales revenues for the corporate citizens of the City of Farmers Branch, and

WHEREAS, the City Council of the City of Farmers Branch finds that providing for the control and regulations of signs, advertising and merchandise display with safeguards to protection of health, safety and welfare of the general public may further the Council's responsibility to guard the same; and

WHEREAS, the last review of the City's sign regulations occurred in 2008 with the passage of Ordinance No. 2957; and

WHEREAS, the City Council of the City of Farmers Branch finds it to be in the public interest to adopt a revision to the City's sign regulations that amends and reorganizes certain provisions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. Chapter 62 of the Code of Ordinances of the City of Farmers Branch titled "Signs, Advertising, Merchandise Sale and Display" is amended in its entirety to read as follows:

Chapter 62
Signs, Advertising, Merchandise Sale and Display

62-1 Purpose and intent

(a) The purpose of this chapter is to set forth standards and regulations to help safeguard and preserve health, safety, property values and the welfare of the general public by regulating the erection, placement, use and maintenance of signs and advertising within the City.

(b) It is hereby declared by the City Council that the purpose and intent of the provisions of this chapter is to regulate and control signs and other means of advertising means, that, if not regulated and controlled, may adversely affect the health, safety, property values, quality of life and welfare of the general public. The City Council, in adopting this chapter, does not intend this chapter to be interpreted or enforced in a manner which requires the city to intervene in matters that are primarily personal or private in nature and which may be appropriately resolved between or among private interests without material danger to the public health, safety or welfare.

62-2 Scope

(a) ***Generally.*** This chapter shall apply to all signs or other means of advertising that are, or may be, erected, installed, placed, altered, maintained, or improved on land, property, buildings or structures within all zoning districts in the city, including all vacant, occupied, residential, nonresidential, improved or unimproved land, properties, buildings or structures.

(b) ***Planned Developments.*** The provisions of this chapter shall apply to signs located on property within a PD-Planned Development District except to the extent the regulations controlling the development and use of the property located within said PD-Planned Development District expressly amend, replace, or otherwise, conflict with this chapter, in which case the regulations controlling the development and use of the property located within said PD-Planned Development District shall control.

(c) ***Sexually Oriented Businesses; Alcoholic Beverage Establishments.*** Nothing in this chapter shall be deemed to authorize signs that are prohibited by:

(1) Chapter 26 "Businesses", Article VI "Sexually Oriented Businesses" of this Code, or

(2) regulations set forth in this Code that regulate signs used in association with the operation of a business that serves, distributes, or sells alcoholic beverages to the extent such regulations are not pre-empted by State law.

(d) ***Conflicting Ordinances.*** Except as provided in Section 62-2(b), in the event of any conflict between the standards and regulations established in this chapter and those set forth in any other city ordinance, the higher, stricter or more specific standard or regulation shall prevail.

62-3 Permits

(a) ***Permit Required; Application.*** Unless specifically exempted, a permit must be obtained from the building official prior to the erection, repair, replacement, relocation and/or maintenance of all signs within the city in accordance with this chapter and other applicable provisions of this code. The building official shall require each person desiring to obtain a sign permit pursuant to this Section 62-3 to make application for such permit on a form approved by the building official and requiring such information as may be required to ensure compliance with this chapter.

(b) ***Compliance Required Without Permit.*** A sign located within the city shall comply with all other provisions of this chapter even if the installation or erection of said sign does not require the prior issuance of a permit issued pursuant to this section.

(c) ***Permit Fees.*** No permit for the erection, installation, repair, alteration, replacement, or relocation of a sign shall be issued until the permit fee, set forth in Appendix A of this Code, has been paid.

(d) ***Work Without Permit.*** A person who performs work relating to the erection, installation, replacement, repair, alteration, relocation, or maintenance of a sign prior to obtaining a sign permit required by this chapter shall pay a late fee equal to twice the amount of the sign permit fee. The payment of a late fee as provided by this subsection (d) shall not be a defense to a violation of this Section 62-3 for failing to obtain a sign permit.

(e) ***Permit Expiration.*** A sign permit issued pursuant to this Section 62-3 shall expire if the work for which the permit is issued has:

(1) not commenced on or before the sixtieth (60th) day after issuance of the permit; or

(2) not been completed on or before the sixtieth (60th) day after the work is commenced.

A new sign permit must be issued and a new permit fee paid before commencing or completing any work authorized pursuant to an expired permit.

(f) ***Other Permits to be Obtained.*** The issuance of a sign permit for a sign which requires the construction of a structure or installation of plumbing or electrical improvements that otherwise requires the issuance of a building, plumbing, or electrical permit pursuant to Chapter 22 of this code shall not exempt any person from making an application for or obtaining such additional permits prior to the commencing any work which requires issuance of such permits.

62-4 Construction documents

Before any permit can be granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the building official showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and where required, the plans and specifications shall be signed and sealed by a registered design professional.

62-5 Changes to signs

No sign shall be structurally altered, enlarged or relocated except in compliance with this chapter and pursuant to a permit issued for such work. The changing or maintenance of internal parts or components of a sign installed pursuant to a sign permit shall not be deemed a structural alteration. A permit issued pursuant this chapter shall be required to change the copy, lettering, sign face, color, display and/or graphic matter of a sign, which change shall be deemed an alteration of the sign.

62-6 Exempt signs

The chapter shall not apply to the following signs, provided that such signs shall not violate the general prohibitions or the unsafe and unlawful provisions of this chapter:

(a) Signs located on the interior of a building which are not defined as window signs.

(b) Traffic and other signs erected or maintained by a governmental agency.

(c) Official and posted legal notices authorized by a court, public body or public safety officer.

(d) Street number signs not exceeding one (1) square foot in area in residential zoning districts and three (3) square feet in area in non-residential zoning districts.

(e) .Nameplates not exceeding two (2) square feet in area.

(f) National, state and historical flags;, provided, however, flagpoles must comply with the requirements of the building code and must be set back a distance from the property line not less than a distance equal to the height of the pole, but in no case within any easement or public right-of-way.

(g) Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.

(h) Any sign erected and maintained by the City.

62-7 Prohibited signs

The following signs are prohibited:

(a) Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal, or devices, or obstruct or interfere with a driver's view of approaching, merging or intersection traffic or pedestrians;

(b) Except as provided elsewhere in this chapter, signs encroaching upon or overhanging public right-of-way; including, but limited to, signs attached to any utility pole, utility structure, light standard, street tree or any other public facility located within the public right-of-way;

(c) Signs which blink, flash or are animated by light or any other means except as provided in Section 62-14;

(d) Portable signs except for temporary signs authorized pursuant to Section 62-17;

(e) Any sign attached to, or placed on, a vehicle, trailer or other movable object and placed or parked on public or private property for an extended period of time so as to draw attention to a business, location, product or service;

(f) A sign consisting of a cloth, paper, banner, flag, device or other similar advertising matter attached to, suspended from or allowed to hang loose from any sign, pole, building or structure, except as allowed by other provisions of this chapter;

(g) A sign made of paper, paint stencil, or other material and consisting of any name, number (except address numbers) or other text, mark, or graphic on any sidewalk, curb, gutter or street;

(h) A sign, other than a nameplate sign, painted on or attached 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 of the property on which the fence or wall is located;

(i) A balloon, streamer, pinwheel or other floating or motion device anchored to the ground or to any structure, or a sidewalk sandwich board, except those temporarily displayed as part of a special sale, promotion or community event as authorized by other provisions of this chapter;

(j) Any type of sign or display intended to draw attention or advertise, which is not defined by this chapter shall be prohibited until said sign or display type has been defined by the City Council and appropriate regulations regarding said sign or display type has been considered and adopted;

(k) Roof signs;

(l) Non-real estate personal property sales signs:

(m) Off-premise signs except in HI – Heavy Industrial Districts; and

(n) Framed, internally illuminated wall signs.

62-8 General sign regulations

(a) ***Sign quality.*** All signs shall be manufactured or rendered in a workmanlike manner with materials as required by this chapter or as approved by the building official. All text (alpha or numeric characters) shall be rendered to meet a standard recognizable font. All other graphics shall be rendered in a workmanlike manner. Required or permanent signs shall not be painted or rendered to appear to be freehand text or graphics. Temporary window signs may be freehand painted provided they meet with the intent of this chapter.

(b) ***Maintenance, repair and removal.*** Every sign permitted by this chapter shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the building official, or if any sign shall be unlawfully installed, erected or maintained in violation of any provision of this chapter, the owner thereof or the person or firm using the sign shall immediately (in the case of risk of eminent injury to person or property), and, in any other case, not later than 10 days after receiving written notice from the building official, make such sign conform to the provisions of this chapter, or shall remove it. If the recipient of the notice fails to comply with the directions of the building official within 10 days after receipt of the notice, the building official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.

(c) ***Obsolete sign copy.*** Any sign copy that no longer advertises or identifies a use conducted on the property on which the sign is erected shall have the sign copy removed within 30 days after written notification from the building official; and upon failure to comply with such notice, the building official is hereby authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.

(d) ***Traffic Visibility.*** No sign or sign structure shall be erected near any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape, color, degree, manner or intensity of illumination, it may interfere with or obstruct the view of or be confused with any authorized traffic sign signal or device or interfere with vehicular or pedestrian traffic. Pursuant to the foregoing, no sign shall be erected or maintained in such manner as to be likely to interfere with, obstruct the view of, distract from or be confused with any authorized traffic sign, signal, or device. Accordingly, no sign shall make use of the words "stop," "go," "look," "slow," "danger," or any other similar words, phrase, symbol, or character or employ any red, yellow, orange, green or other colored lamp or light in such a manner as to interfere with, mislead or confuse traffic.

(e) ***Illumination.*** No sign shall be illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance. Moving, beacons, revolving or

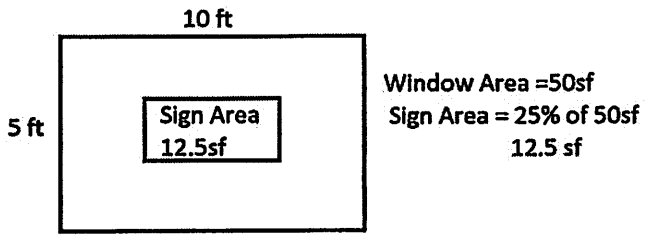
similarly constructed signs shall not be allowed unless otherwise authorized by this chapter. No sign, name plate or similar device located in a residential district or within one hundred (100) feet of a residential district boundary shall be of a flashing, intermittent or pulsating type illumination. The elements of illumination on an illuminated signs located in a residential zoning district or located within one hundred feet (100') of a residential district shall be installed and maintained on a timing mechanism that shall turn off the illumination from 10:00 PM in the evening until 7:00 AM the next morning.

(f) ***Location.*** Final location for all signs shall be approved by the Building Official.

62-9 Sign Types – Window

A window sign may be affixed to or painted on the interior or on the exterior of the exterior glazed surfaces of the building, provided the sign does not obstruct more than 25% of the total area or more than 25% of a single pane of glazing. This section shall not be construed as prohibiting the display of merchandise in a window regardless of the area of the window obstructed. (See Illustration 62-9- Window Sign Calculation Examples.)

Illustration 62-9: Window Sign Calculation Example



62-10 Sign Types – Wall or Awning

On-premise wall, projecting or awning signs shall be used only for business identification purposes and shall comply with all of the following:

(a) A wall sign shall be erected parallel to the plane of the wall of the building façade or to the face or faces of the architectural projections to which it is affixed.

(b) A projecting sign shall be erected perpendicular to the plane of the wall of the building façade to which it is affixed. No more than one projecting sign may be installed on a building façade. The Sign Area of a projecting sign shall not exceed forty (40) square feet. The lowest portion of a projecting sign must be located at least ten (10) feet above the grade or sidewalk immediately below the sign. A projecting sign shall not extend more than three (3) feet from the wall of the building or structure to which it is affixed. A projecting sign shall not exceed the height of a wall to which it is attached.

(c) A wall sign shall not project more than 12 inches from the building or structure wall.

(d) A wall sign shall not exceed 75% of the length of a wall or storefront elevation.

(e) A wall sign shall not extend above the wall of the building.

(f) An awning sign shall count towards the allowable sign area.

(g) Neither the background color of an awning nor any striping, patterns or valances, shall be included in the computation of sign face area.

(h) All illuminated wall signs shall be a raceway or individual channel letters (no framed or can signs). Raceways shall not extend width or height beyond the area of the sign. All raceways must be finished to match the background wall.

(i) The total area of the sign face shall not exceed the maximum allowable sign area in the zoning district as follows:

(1) In LR-1, LR-2 and O zoning districts - 200 square feet for each storefront facing the street or on-site parking lot or 10% of the building elevation, whichever is less. (See Illustration 62-10–Wall Sign Elevation Examples.)

(2) In LI, HI and C zoning districts - 200 square feet for each 300 linear feet of building elevation facing the street or 10% of the building elevation, whichever is less.

(3) In MF-1, MF-2, MF-3 and MF-4 zoning districts – 50 square feet per frontage or 10% of the building elevation, whichever is less.

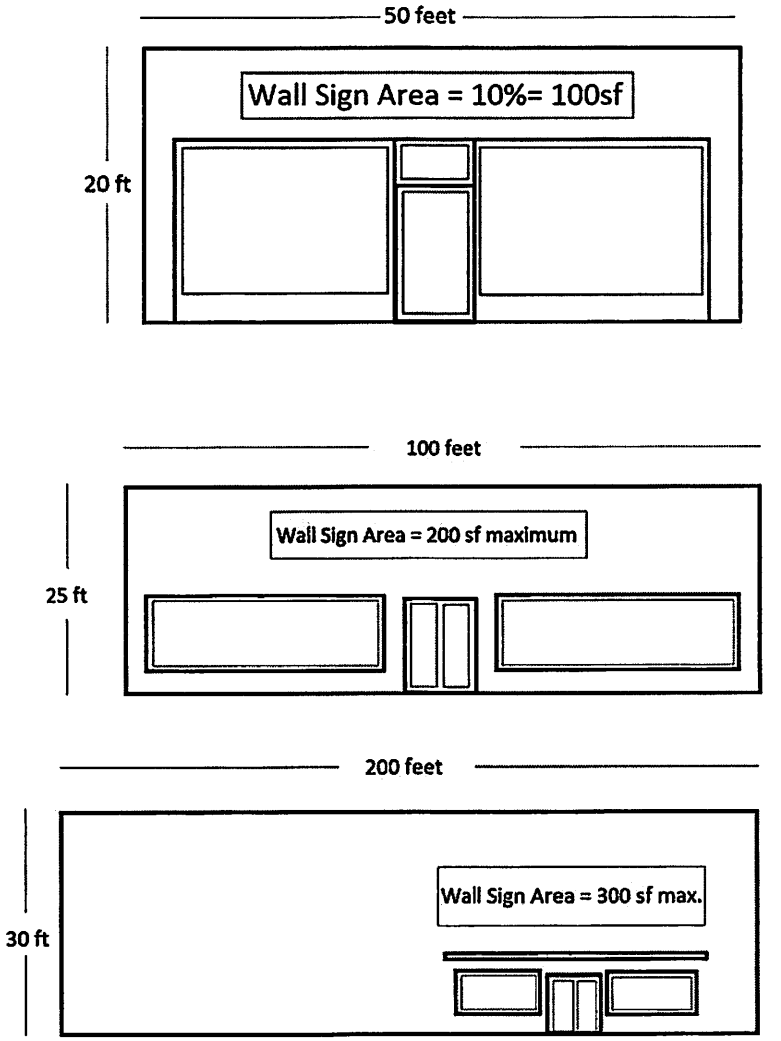
(4) In I-RU zoning districts – special sign requirements are outlined in Ordinance No. 2614.

(5) In R-1 through R-6 & D-1 & D-2 zoning districts, Institutional signs – 32 square feet in area per frontage.

(5) In PD zoning districts – specific language in a Planned Development ordinance regarding signage shall supersede the requirements in this sign ordinance.

(6) For non-residential properties, if the property has frontage along Interstate 35E or Interstate 635 - 300 square feet for each storefront facing the street or on-site parking lot or 10% of the building elevation, whichever is less.

Illustration 62-10–Wall Sign Elevation Examples



62-11 Sign Types – Freestanding.

No more than one of the following sign types is allowed on any lot or parcel:

(a) Monument (Individual). Monument signs may be used for identification in non-residential zoning districts and in residential zoning districts and shall comply with the all of the following:

(1) In LR-1, LR-2, MF, C, O, LI, and HI zoning districts and Planned Development Districts where the use and development regulations of the LR-1, LR-2, MF, C, O, LI, and/or HI zoning district constitute the base zoning regulations, a free standing on-premises single tenant monument sign face not exceeding seventy-five (75) square feet in area and maximum six (6) feet in height, and setback a minimum of five (5) feet

from the front property line, may be located within the required front yard. (See Illustration 62-11.1 – Monument Sign Calculation Examples.)

(2) In I-RU zoning districts – In I-RU zoning districts – special sign requirements are outlined in Ordinance No. 2614.

(3) In R-1 through R-6 & D-1 & D-2 zoning districts, Institutional signs – 32 square feet in area per frontage, shall not exceed 6 feet in height and shall be setback five (5) feet from the front property line.

(4) All individual monument signs, the base of the sign shall be, at least, equal to the width of the sign.

(5) No sign shall be erected or placed so as to create a hazard to vehicular traffic and all signs erected or placed in the required front yard shall not encroach within the sight lines established by this or other ordinances or by normally accepted engineering practices.

(6) No monument sign shall be erected closer than one hundred (100) feet to another freestanding sign.

(7) The design, materials and finish of a monument sign shall match those of the buildings on the same property on which the sign is located.

(8) A landscaped planting bed must be maintained around the base of each monument sign and shall be two (2) feet wide.

(b) Monument (Multi-Tenant). Multi-tenant monument signs may be used for multiple business identification in non-residential zoning districts and shall comply with the all of the following:

(1) In LR-1, LR-2, LI, HI, C, and O districts and Planned Development Districts where the use and development regulations of the LR-1, LR-2, LI, HI, C, and/or O districts constitute the base zoning regulations, a free standing on-premises multiple tenant monument sign face not exceeding one hundred (100) square feet in area, maximum ten (10) feet in height and setback a minimum of five (5) feet from the front property line may be located within the required front yard of multiple tenant sites. (See Illustration 62-11.1 – Monument Sign Calculation Examples.)

(2) Multiple tenant identification signs shall include leasing information.

(3) No other freestanding temporary real estate signs shall be permitted if a multiple tenant monument sign is located on the property.

(4) The background colors of a multiple tenant monument sign shall be standardized or complementary to each other.

(5) No sign shall be erected or placed so as to create a hazard to vehicular traffic and all signs erected or placed in the required front yard shall not encroach within the sight lines established by this or other ordinances or by normally accepted Engineering practices.

(6) All multi-tenant monument signs, the base of the sign shall be, at least, equal to the width of the sign.

(7) No monument sign shall be erected closer than one hundred (100) feet to another freestanding sign.

(8) The design, materials and finish of a monument sign shall match those of the buildings on the same property on which the sign is located.

(9) A landscaped planting bed must be maintained around the base of each monument sign and shall be two (2) feet wide.

(c) Pylon.

Pylon signs may be used to identify a business and shall comply with all of the following:

(1) Pylon signs are only allowed in locations where the property fronts either Interstate 35E or Interstate 635.

(i) Properties that front I-635, one (1) on-premise pylon sign not exceeding **one hundred-fifty (150) square feet in area, maximum forty (40) feet in height** and setback a minimum of ten (10) feet from the front property line is allowed. (See Illustration 62-11.2 – Pylon Sign Calculation Examples.)

(ii) Properties that front I-35E, one (1) on-premise pylon sign not exceeding **one hundred-fifty (150) square feet in area, maximum thirty (30) feet in height** and setback a minimum of ten (10) feet from the front property line is allowed. (See Illustration 62-12.2 – Pylon Sign Calculation Examples.)

(2) The base of a pylon sign must be at least thirty-three percent (33%) as wide as the cabinet (top).

(3) No pylon sign shall be erected closer than two hundred (200) feet to another freestanding sign.

(4) A landscaped planting bed must be maintained at the base of each pylon sign and shall be at least three (3) feet wide on all sides. **Illustration 62-11.1-Monument Sign Calculation Examples**

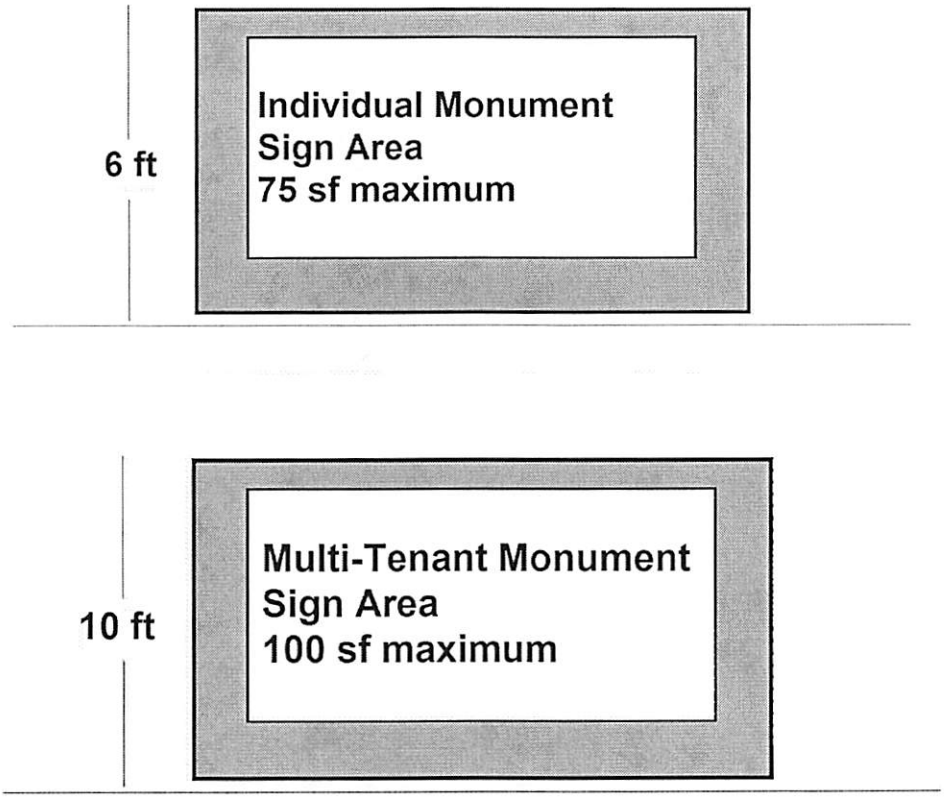
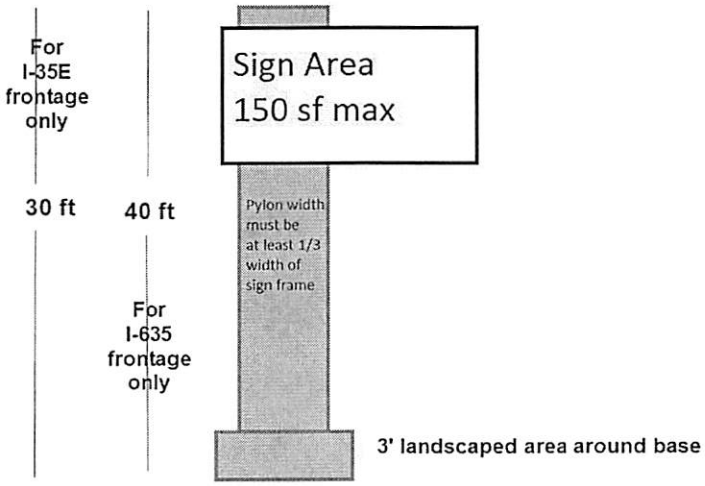


Illustration 62-11.2-Pylon Sign Calculation Examples



62-12 Residential Subdivision.

Signs that identify a residential subdivision or neighborhood area shall comply with the following:

(a) In R-1 through R-6 and D-1, D-2 zoning districts – a sign not exceeding forty (40) square feet in area, maximum six (6) feet in height may be located at the major entry ways.

(b) Subdivision signs may be in the form of a sign mounted to a screening wall that does not project from the face of the wall more than one (1) inch.

(c) Subdivision signs may be in the form of a monument sign and shall be setback at least five (5) feet from property line and illuminated externally only.

(d) The background color of the sign shall be darker than the graphic text and shall be individual letters mounted or engraved on the sign face.

62-13 Directional Signs

(a) In addition to any allowable window, wall, monument, and pole signs, two (2) directional signs not exceeding three (3) square feet in area and three (3) feet in height above grade shall be permitted to be erected in the required front yard.

(b) Directional signs shall contain only the company name and/or company or district logo and the words "exit", "entrance", or other traffic control directions.

(c) Directional signs shall be non-illuminated or low light intensity signs and shall not extend over the property line.

(d) Final placement of directional signs shall be approved by the Building Official.

62-14 Changeable message signs

(a) Manual changeable message signs shall comply with the following:

(1) The manual changeable message portion of a single tenant or multiple tenant sign does not exceed 50% of the total area of that sign.

(2) Manual changeable message signs shall not be erected over 30 feet in height and shall not be located above the business identification sign.

(3) The text displayed by changeable message sign shall be that of an on-premises sign with commercial speech only.

(b) Electronic changeable message signs must comply with the following regulations:

(1) 100% of the allowable sign area can be used for individual and multi-tenant monument signs.

(2) Electronic changeable message signs shall not exceed 50% of the total sign are for all pylon signs.

(3) Rolling, scrolling, flashing or image movement is prohibited.

(4) Electronic changeable message signs shall be permitted as either an allowable wall sign or an allowable freestanding sign.

(5) Electronic changeable message sign shall not be illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance to occupants of surrounding properties or to passing motorist. From dusk until dawn the illumination intensity shall be decreased by a minimum of 50% or as approved by the building official, and the background portion of the sign shall be darker than the lettering color.

(6) The changing of text or graphics shall phase, fade or dissolve away, then the screen shall have no text, color or graphics for a minimum of 3 seconds before the new text or graphics shall phase or fades into view.

(7) Electronic changeable message signs that are 32 square feet or less in area shall display text or graphics for a minimum of 7 seconds before fading to new text or graphics. Electronic changeable message signs that exceed 32 square feet in area shall display text or graphics for a minimum of 15 seconds before fading to new text or graphics.

62-15 District wide sales and promotional events

(a) Permission may be granted by the building official to allow the use of flags, banners, balloons, searchlights and other advertising means for a consecutive ten-day period, to promote a district or area wide sales event or other promotional event.

(b) A district or area may be granted said permission for not more than four (4) ten-day periods in a calendar year.

(c) The district or area of said event must be located in a LI, LR-1, LR-2 or a PD district with a base zoning of LI, LR-1 or LR-2 uses.

(d) A minimum of five properties or businesses located in the district must participate.

(e) Such temporary signs shall be located on the properties participating in said event. The building official must approve the type and placement of the temporary signs prior to placement.

(f) No sign or other advertising device shall create a traffic hazard or any other hazard.

(g) Any sign or other advertising device deemed as creating traffic or other hazard shall be immediately removed by the business or may be subject to impoundment by the City.

62-16 Political signs

Signs that contain primarily a political message may be located on private real property only with the consent of the property owner provided that the sign:

(a) Is not located in any public right-of-way, on any public property or in any easement dedicated for a public purpose;

(b) Is not illuminated;

(c) Has no moving elements;

(d) Does not exceed thirty-six (36) square feet in area; and

(e) Does not exceed eight (8) feet in height above grade.

62-17 Temporary Signs

The following temporary signs shall be allowed provided they comply with the following:

(a) ***Real estate signs.*** In all residential districts, one real estate sign shall be permitted for each street frontage and each shall not exceed twelve (12) square feet in area. In O, LR-1, LR-2, and C districts, real estate signs shall not exceed thirty-two (32) square feet of sign area. In LI districts, real estate signs shall not exceed sixty-four (64) square feet in sign area. In non-residential zoning districts, one real estate sign shall be permitted for each 200 linear feet of street frontage. Real estate signs shall be located on the property which is being offered for sale or lease and shall not be located closer than fifteen (15) feet to any street curb line. When there is no curb, the sign shall be located no closer than fifteen (15) feet to the edge of the pavement. No real estate sign shall be located in any street right-of-way. No permit is required for a temporary real estate sign.

(b) ***Temporary real estate directional signs.*** Homebuilders may erect, a temporary, non-illuminated, directional signs for weekend advertising of homes for sale. 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 and their placement must be approved by the building official prior to placing any such signs. No permit is required for these signs.

(c) ***Temporary real estate "Open" signs.*** Real estate companies and homeowners may erect temporary non-illuminated "open" signs without a permit in the rights-of-way of the city. Signs may be displayed only on Saturday and Sunday and one other day during the week to be specified by the building official. Only three (3) signs shall be permitted for each house being shown. Signs shall not exceed three (3) square feet in area. Signs shall be of metallic material.

(d) ***Construction signs.*** In residential zoning districts, one construction sign with a sign face not exceeding twelve (12) square feet may be placed without a permit on the property where permitted construction work is taking place. In non-residential zoning districts, one construction sign with a sign face not exceeding sixty-four (64) square feet in sign area may be placed without a permit on the property where permitted construction work is taking place. Construction signs shall not be placed closer than twenty-five (25) feet from any street curb line, when complying with the requirements of the this section, providing that such signs shall not be erected prior to the issuance of a building permit for the project the signs pertain to. Such sign may be erected and maintained only during the duration of the construction.

(e) ***Development signs.*** In single-family residential zoning districts, one (1) 200 square foot development sign may be erected for a single-family development that will contain more than fifteen (15) lots. In multiple family zoning districts, one (1) 200 square foot development sign may be permitted. In non-residential zoning districts, one (1) development sign not exceeding 400 square feet of sign area may be permitted for each 100 acres of development. Permits shall be required for development signs and the Building Official shall approve the placement and duration.

(f) ***Special event signs.*** Permission may be granted by the building official as a special privilege to civic organizations and other nonprofit organizations to erect signs promoting special events or activities at the locations and times and under the conditions specified by the building official. A permit is required for special event signs.

62-18 Garage sales and garage sale signs

(a) A maximum of two (2) garage sales per year may be conducted at a dwelling address. Each separate garage sale may not exceed three (3) consecutive days in duration. No garage sale shall occur earlier than the sixth day following the conclusion of a prior garage sale on the same property.

(b) Garage sale signs may be erected or placed on any residential property in the City, provided the person conducting the garage sale obtains permission for the erection or placement from the owner or occupant of the residential property.

(c) Garage sale signs may be placed on the residential property one day in advance of the sale and must be removed within one day following the sale.

(d) Garage sale signs cannot be placed closer than fifteen (15) feet to the back of the curb or if no curb exists, fifteen (15) feet to the edge of the pavement.

(e) A garage sale sign shall not exceed three (3) square feet in area.

(f) Garage sales are not intended and shall not allow businesses to be operated out of homes.

62-19 Merchandise and other exterior display

No person shall place on, or suspend from any building, pole, structure, sidewalk, parkway, driveway or parking area any goods, wares, merchandise or other advertising object or structure for the purpose of advertising such items, other than a sign as defined, regulated and prescribed by this article, except otherwise allowed by ordinance. The placement of advertising material holders and/or advertising boxes that do not meet the definition of a newspaper box in Section 26-19 is prohibited. A special sale and display of merchandise outside of the main building located on-premises may be conducted subject to the following:

(a) The display of merchandise outside of the main building does not exceed 17 days.

(b) All merchandise displayed must be normally sold at the business.

(c) No more than four (4) sales events with merchandise displayed outside of the main building can be held in a calendar year. No sales events authorized pursuant to this Section 62-19 shall commence earlier than sixty (60) days after the conclusion of a prior sales event on the same property.

(d) Appropriate permits are obtained.

62-20 Temporary outside sales

Temporary outside sales as defined by this code shall be permitted in LR-1 and LR-2 zoning districts subject to the following:

(a) When outside merchandise display is located on a private sidewalk, adjacent to a building, a clear unobstructed area of not less than four feet in width shall be provided on the sidewalk for pedestrian access.

(b) In no instance shall outside display of merchandise be located within, nor encroach upon, a fire lane, maneuvering aisle, public sidewalk, landscape area, or public street right-of-way, or placed in any location that creates a hazard to traffic.

(c) Merchandise shall not be stacked over six (6) feet in height along sidewalks.

(d) Outside display of merchandise shall not be located within parking lots except as allowed by Section 62-19. Adequate parking and traffic maneuvering areas shall be maintained in the parking lot at all times during the period of the temporary outside display.

(e) No permanent outside display of merchandise is permitted and no outdoor merchandise display structures shall be permitted affixed to the exterior of the building or grounds.

62-21 Holiday Decorations

(a) Appropriate holiday decorations and displays may be displayed during the period beginning the first day of November of each year and ending the first day of February of the next succeeding year.

(b) For other national holidays, appropriate decorations may be displayed starting two (2) weeks prior to the holiday and must be removed by the first Monday following the holiday.

(c) Other decorations and displays may be considered signs and are subject to the provisions in the chapter. No permit is required for holiday decorations.

62-22 Grand Opening and Special Sales signs

(a) Permits for banners, balloons and other temporary signs may not be issued for property or businesses located in R1-R6, D1, D2, or M1-M3 zoning districts.

(b) A permit may be granted to display flags, banners and balloons and other devices intended to draw attention to the property, business or product for up to sixty (60) days in a calendar in connection with grand openings or special sales being conducted by said business.

(c) Such signs and their placement must be approved by the building official. A permit shall be required.

(d) Such flags, banners and balloons may be erected and maintained only during the permitted days.

62-23 Impoundment of signs

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 listed under the conditional exceptions of this chapter erected or existing in violation of the requirements of conditional exceptions;

(b) Any sign erected or existing that constitutes a traffic hazard in the opinion of the traffic engineer.

(c) Any sign the erection of which requires a permit pursuant to this Chapter.

(d) Any sign erected in violation of the general prohibitions of this chapter.

(e) Any sign placed on public property or in the public right-of-way.

62-24 Recovery and disposal of impounded signs

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

(a) A fee of five dollars ($5.00) for signs that are twelve (12) feet or less in areas.

(b) A fee of ten dollars ($10.00) for signs that are larger than twelve (12) feet in area.

(c) Signs not recovered within fifteen (15) days of impoundment may be disposed of by the city in any manner it shall elect.

62-25 Prohibited sign materials

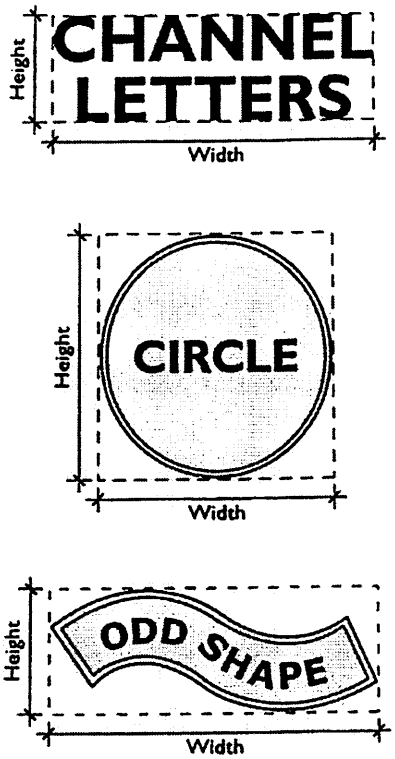
(a) Any material not recognized by the building official as approved sign material shall be prohibited.

(b) The building official may consider and approve material submitted to be used as sign material, provided adequate data is provided that meets or exceeds the material standards.

62-26 Sign area calculations

The area of a sign shall be determined utilizing the dimension examples set forth in Illustration 62-26 – Sign Area Calculation Examples.

Illustration 62-26-Sign Area Calculation Examples



62-27 Variance

The Board of Adjustment is hereby authorized to grant variances to the height, sign area, setback and material regulations of this chapter. In order for the Board to grant a variance it must find the following facts:

(a) The requested variance does not violate the intent of this chapter.

(b) The requested variance will not adversely affect surrounding properties.

(c) The requested variance will not adversely affect public safety.

(d) Special conditions exist which are unique to this applicant or property.

(e) The sign has not been installed prior to obtaining a permit.

(f) A sign installed without a permit must be removed before a sign variance application can be accepted.

62-28 Building Address Numbers

(a) Building address numbers shall be displayed in accordance with Chapter 22, Article XI of the Code of Ordinances and shall meet the materials and workmanship requirements of this Section.

(b) In residential zoning districts building address numbers painted on the curb must be in conformance with Section 70-3 of the Code of Ordinances and the numbers shall be white, minimum of three inches (3") in height and centered within a five-inch (5") dark contrasting background.

(c) Non-residential building address numbers shall be in conformance with Section 38-38 of the Code of Ordinances.

62-29 Nonconforming signs

Any sign legally existing at the time of the passage of this ordinance that does not conform in use (other than off-premises signs), location, height or size with the regulations of the zone in which such sign is located, shall be considered a legal nonconforming use or structure and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

(a) Structural alterations, enlargements or re-erection are not permitted. Sign copy may be changed and maintenance and repair may be performed on the structure.

(b) Nonconforming signs, which are considered abandoned signs, shall be removed regardless of the owners' intent to make future use of the structure.

(c) Any legal nonconforming sign shall be removed if the structure has been allowed to deteriorate to the extent that the cost of repair or maintenance exceeds 50 percent of the original cost of the sign as determined by the building official.

62-30 Definitions

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

Abandoned Sign. A sign structure that has ceased to be used and/or contains obsolete sign copy for a period greater than 6 months; or a sign structure on which the owner no longer intends to display sign copy.

Apartment Name Sign. A sign identifying an apartment building or complex of apartment buildings.

Awning Sign. A sign that is part of, or attached to, an awning, canopy, or other fabric, plastic, or structural projection or cover over a door, window, storefront, or outdoor service area.

Building Elevation. The entire side of a building, from the ground level to the roofline, as viewed perpendicular to the walls on that side of the building. For each commercial occupancy in shopping centers, planned industrial parks or other nonresidential multiple tenant occupancies (other than office buildings), the building elevation shall be calculated as that portion of the building wall that is adjacent to a street or on-site parking area leased by the individual commercial tenant.

Building line. A line established by zoning provision of the Farmers Branch Comprehensive Zoning Ordinance, as amended, beyond which no part of a principal building or structure may be erected.

Building Official. The officer or other persons within the city charged with administration and enforcement of the sign ordinance.

Changeable Message Sign. An on-premises sign that has changeable text by means of removal and replacement of individual letters or words or by electronic means with letters, words or graphics created by energizing luminaries or other devices. Electronic changeable message sign shall include, but is not limited to, light emitting diodes, incandescent luminaries and liquid quartz displays.

Commercial Speech. Any speech or expression that relates solely to economic or business interest of the speaker or its audience.

Construction sign. A temporary sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator or mortgagee engaged in the design, construction or improvement of the premises on which the sign is located.

Development Sign. A temporary sign related to the promotion of new developments and located on the premises involved in the development.

Erect. To build, construct, attach, hang, place, suspend, or affix and shall also include the painting of signs on any exterior surface.

Fascia or surface. Shall mean the surface of a sign upon, against, or through which the message is displayed or illustrated on the sign.

Free Standing Sign. A permanent sign which is attached to, or a part of, a completely self-supporting structure which is set in or below the ground surface and is not attached to any building or any other structure.

Garage Sale. A sale of used personal property conducted by a dwelling occupant on the property of the occupant such as used clothing, furniture, lawn care equipment and other items of personal property. .

Garage Sale Sign. A temporary non-illuminated sign advertising a sale of personal property similar to a garage sale, estate sale, or yard sale, that states or indicates the address, location or direction of the sale.

Illuminated sign. A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

Institutional sign, - A sign located on the premises for the identity of a school, church, hospital or similar public or quasi-public institution.

Marquee. A permanent roofed structure attached to and supported by a building.

Marquee Sign. A business sign (i) attached to, (ii) painted on, (iii) inscribed on, or (iv) partly or fully supported by and made an integral part of a marquee.

Monument sign. A low profile freestanding ground mounted sign that is constructed with base and structural materials that match the materials of the main building.

Noncommercial Speech. Any and all speech or expression that is not commercial speech.

Off-Premise Sign. Means any sign the content of which does not relate exclusively to the name, location, products, person, accommodations, services or activities of or on the premises on which the sign is located and includes, permits and allows both noncommercial and commercial speech.

On-Premises Sign. Any sign the content of which relates to the premises on which it is located, referring exclusively to the name, location, products, and persons. Accommodations, services, or activities of or on those premises, and includes, permits and allows both noncommercial as well as commercial speech.

Person. Any individual, firm, partnership, corporation, company or business entity or organization of any kind.

Personal property sale sign. A temporary sign advertising personal property for sale on the premises on which the sign is located.

Political sign. A sign relating to (i) the election of a person to public office, (ii) a political party, or (iii) a proposition to be voted upon at an election called by a public body.

Portable sign. Any sign not permanently attached to the ground or to a building or structure and shall include signs painted on or affixed to vehicles or other movable objects and placed or parked so as to draw attention to a product, location, business or service.

Projecting sign. A sign which projects perpendicular to the building facade, which has one end, attached to a building or other permanent structure.

Pylon sign. Freestanding sign which consists of a cabinet atop a single support element. The support element must be at least 33% as wide as the cabinet top. The support structure must be covered in materials matching the exterior of the primary building.

Real estate directional sign. A temporary sign directing the public to homes for sale within the city.

Real Estate sign. A temporary sign pertaining to the sale or rental of property and advertising property only for use for which it is legally zoned.

Roof sign. A sign erected upon, over, or above a roof or building.

Sign. Any letter, figure, character, mark, plane, point, marquee sign, design, poster, handbill, placard, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminated surface, which shall be so constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, performance, event, article, machine or merchandise, whatsoever, which are displayed in any manner whatsoever.

Sign Area. The area of the smallest rectangle that would encompass the graphics that makes up the sign. The area of any double-sided or V shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle or portion thereof.

Sign Face. The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim or any area that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

Site . A portion of land and/or building which houses a single activity and the contiguous grounds and parking areas which exclusively service that building, or, any number of activities housed by a single building or multiple buildings which share common egress or ingress from a public street or right-of-way.

Temporary Outside Sales. The placement of articles for sale by a business on a private sidewalk or in a private lot serving that business, which are representative of merchandise offered normally for sale inside the business, for temporary periods of time

Temporary real estate open sign. A sign not exceeding three (3) square feet in area on which appears only the word "OPEN", the name of the real estate company or homeowner, and a directional arrow.

Wall sign. A sign (i) attached to, (ii) painted on, or (iii) erected against a wall or parapet wall of a building or structure with the exposed face of the sign in a plane parallel or perpendicular to the plane of the wall. Neon tubing attached directly to a wall shall be considered a wall sign.

Window signs. Any sign affixed to or on the inside of a building within five (5) feet of a window and which is visible from the exterior of the building with a message intended to draw attention to a business, product or service provided at the premises.

SECTION 2. Appendix A "Fee Schedule" of the Code of Ordinances shall be amended by changing the reference to "Section 62-18" to read "Section 62-3."

SECTION 3. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 4. Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum not to exceed two thousand dollars ($2000.00).

SECTION 5. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than the portion so decided to be invalid or unconstitutional.

SECTION 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 19th DAY OF NOVEMBER, 2013.

ATTEST:

Angela Kelly, City Secretary

APPROVED:

William P. Glancy, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:10/14/13:62491)