

ORDINANCE NO. 2019-05

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MABANK TEXAS:

Ordinance No. 2010-10 is hereby amended to read:

SECTION 5.B Construction of Billboard Signs along the US 175 Corridor can be applied by the applicant through EDC and City Council's special use permit ("SUP") process and subject to each of the following restrictions:

- (1) Billboard Signs shall be of new construction and may be either static or digital.
- (2) The City Council may reasonably require, appropriate landscaping within 10 feet of the sign. The City shall not require landscaping that renders the construction of the sign financially or practically unfeasible.
- (3) The City Council may reasonably require, appropriate aesthetic design features, such as a façade around the sign base, which do not interfere with the stability or integrity of the sign and structure. The City Council shall not require aesthetic design features that render the construction of the sign financially or practically unfeasible.
- (4) Before construction may begin, a permit for billboard must be issued by the Texas Department of Transportation approving the location type, and size allowed by the SUP granted for the sign.
- (5) Billboard Signs shall only be located on a commercially zoned lot which is adjacent to US 175 frontage road.
- (6) Any change of pictures or information on the billboard shall not produce the illusion of moving objects, expanding or contracting shapes, rotation, or any similar effect of animation.
- (7) Any change of pictures or information on the billboard shall not change more often than allowed by regulations promulgated by the Texas Department of Transportation.
- (8) The determination of whether or not a health or safety hazard is caused or created by a lighted billboard shall be made by the Chief Building Official or the city and shall be controlling.
- (9) Any electrical wiring required for a billboard to be lighted shall meet the electrical code of the city as determined by the Chief Building Official or a designated representative.
- (10) The spacing between billboards along US 175 shall be 2000 feet measured along the same side of the highway.

(11) Billboard Signs along US 175 may have a maximum of 480 sqft per face.
Billboard Signs shall have a maximum height of 42.6 feet above main travel lanes of US 175.

(12) No lighted billboard shall have a luminance of greater than 300 foot-candles, nor shall any such sign have a luminance greater than 200-foot candles for any portion of the sign within a circle 2 feet in diameter. The restriction of luminance shall be determined from any other premises or from any public right-of-way. If a billboard constitutes a distraction to traffic based on evidence of complaints, the Chief Building Official shall review if the sign shall be dimmed or otherwise altered and provided for an appropriate remedy.

SECTION 16. EFFECTIVE DATE

This Ordinance shall become effective on the 19th day of November 2019.

PASSED AND APPROVED at a regular meeting of the City Council of Mabank, Texas on this ___ day of _____ 2019.

Jeff Norman, Mayor

ATTEST:

Laurie Neustupa, City Secretary

ORDINANCE NO.2010-10

AN ORDINANCE OF THE CITY OF MABANK, TEXAS AMENDING ORDINANCE 2004-35, ARTICLE 500.00 AND ARTICLE 216.001 OF THE MABANK CITY CODE PERTAINING TO SIGN REGULATIONS WITHIN THE CORPORATE LIMITS OF THE CITY OF MABANK, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF MABANK, TEXAS:

WHEREAS, it is necessary to provide for the fair and uniform Regulation of Signs in the City of Mabank and it's Extraterritorial Jurisdiction, the following Ordinance is hereby adopted. The intent of this article is to establish rules and regulations for the construction, erection and maintenance of all outdoor advertising displays, signs or billboards (off-premises signs) within the City of Mabank, as well as for the regulations of the issuance or denial and fees for permits.

Section 1. Sign Classifications and Definitions. As used in this Ordinance, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

1. **Classifications.** The following sign construction types used in the schedule of sign standards contained in Section 10 hereof are defined in this Ordinance.
 - a. **Ground-Monument sign.** A sign, not exceeding 200 square feet of sign display area per sign side or face, consisting of a base structure supporting a sign display area permanently affixed on top of the base structure. The base structure, not exceeding 5 feet in height, 5 feet in width and 20 feet in length, shall be constructed of masonry product including brick, stone, stucco overlay or other materials acceptable to the City. The maximum height of the entire ground-monument sign shall not exceed 20 feet above existing ground (grade) level. The sign may be internally or externally illuminated.
 - b. **Roof sign.** A sign, which is erected, constructed or maintained on or over the roof of parapet wall of a building.
 - c. **Wall sign.** A sign which is attached or affixed to the wall of a building or is an integral part of the wall of a building with the exposed face of the sign in a plane parallel to and not more than 12 inches from said wall; provided however that electric wall signs may project not more than 18 inches from said wall. A wall sign shall not extend above or beyond the parallel face to which the sign is attached. This term shall also include subsection d below.
 - d. **Projection sign.** A sign, which is attached or affixed to a building wall or structure other than, a pole sign and extends or projects there from more than 12 inches.
 - e. **Pole Sign.** A sign supported by not more than two poles or standards in or upon the ground and is not part of a building. The maximum height of the sign shall not exceed 30 feet and the maximum advertising display surface area of the sign shall not exceed 200 square feet per sign face or side.
 - f. **Directional sign.** A pole or ground sign that directs vehicular traffic. The sign may display arrows, words or other symbols to indicate direction of facilities. No goods or services for sale may be listed. No sign may exceed eight square feet.
 - g. **Reader board sign.** A changeable copy sign with strips attached to the face of the sign to hold readily movable letters and numerals. The sign may be internally or externally illuminated (pole sign only).
 - h. **Billboard Signs or Off-premise signs.** A sign supported by a single pole or pylon advertising a business that is not located on the premises where the sign is located, in or upon the ground

and is not part of a building. The maximum height of the sign shall not exceed 50 feet and shall have a minimum unobstructed clearance from the ground to the base of the advertising display surface area of 20 feet. The minimum advertising display surface area shall not be more less than 200 square feet per sign face or side and the maximum advertising display surface area shall not exceed 200 square feet per sign face or side.

- i. Development – Construction sign. A sign that is erected during the period of site or project development. The sign display area shall not exceed 32 square feet per sign face or side.

2. Definitions.

- a. Advertising sign. A sign which is a primary use of land (not accessory use) and which directs attention to a business, product, activity or service which is conducted, sold, offered, or located on the premises where the sign is located.
- b. Sign structure: Any part of a sign, including the base, supporting columns or braces, display surface, or any other appendage thereto.
- c. Required setback: The distance from the property line or right-of-way line of all streets adjacent to the premises on which a sign is located.
- d. Lighting: The illumination of a sign face by a light source exterior to and not a part of such face or a source of light not exposed to the eye.
- e. Flashing sign: A sign or part thereof, operated so as to create flashing, change in light intensity, color or copy, or intermittent light impulses more frequently than one every ten seconds. Message centers as defined in subsection g below shall not constitute flashing signs. It is further provided that a sign that creates intermittent light impulses, which convey time of day and/or temperature only, shall not constitute a flashing sign.
- f. Motion: The moving or rotating of a sign or portion thereof, or the giving of the perception of motion, other than a message center as defined in Section (g) below.
- g. Message center. A sign, which provides public service information, any similar public interest information and/or related advertising for a general business, located on the same premises through electronically controlled intermittent light impulses. A message sensor (center) shall consist of letters, words or numerals that can either change sequentially or travel across the display area. No character shall exceed 42 inches in height and no lamp shall exceed 50 watts. Prior to issuance of a permit for a message center, the same shall be approved as a specific use by the City Council. However, in no case shall such sign exceed the regulations contained in Section 10.
- h. Directory sign. A pole or ground sign consisting of building identification and general business signs of the individual tenants.

Section 2. Sign Specifications.

1. No billboard, off-premise or on-premise outdoor advertising display sign except those described in the subsection below, shall be permitted in any residential area in the City of Mabank.
2. Approved on-premise, outdoor advertising displays, signs or billboards may be constructed, erected and maintained only in commercial and industrial areas in the City of Mabank.
3. Political signs shall be permitted in all zoning districts, provided that no such sign is permitted on any public right-of-way, no such sign shall be larger than 16 square feet, or four feet by four feet; no such sign shall be constructed erected or maintained more than 60 days prior to any election and shall be removed no later than 72 hours after such election. If such signs are not removed within the stated period above, the city shall remove such signs and assess each candidate reflected on each sign removed \$5.00 per sign removed.
4. Any building or land use not conforming to the zoning ordinance provisions for the zone in which it is located shall nevertheless, comply with all of the provisions of this ordinance for the conforming zone.
5. In downtown areas or where sidewalks exist, no sign shall project nearer to the front or side street property line than two feet from the back of the curb line and must have a minimum clearance of eight feet above ground or sidewalk level and 15 feet above driveways and alleys.

6. In all commercial and industrial zoned areas, the following requirements apply:
 - a. On-site_Pole signs, advertising a business complex, a place of business or more than one business, shall be restricted to one such sign per business location. The display surface area of all such signs shall provide a minimum of 20 feet setback or clearance from any street property line and a minimum height of ten feet from the bottom of the sign display area to the grade surface.
 - b. Any person aggrieved by any of the requirements of item above or any other items of this ordinance may make a written request to the City Administrator stating the reason or reasons for the specific need. The City Administrator, the Street Superintendent, the Economic Development Director, herein designated as the Sign Committee, are hereby directed and authorized as a committee with full powers to act in the review of all such requests. All decisions of the committee shall be made in writing and all denials shall state the reasons for such denial, which shall then be submitted to the City Council for final decision. All decisions of the City Council shall be final except as provided for by state law.
7. No sign shall be erected, altered or relocated without first securing a permit from the City. Such permit shall contain the location of the sign and drawings showing the design and location of the sign and such other pertinent information as the City may require insuring compliance with all ordinances of the City of Mabank. Fees for said permit shall be as provided herein.
8. The provisions of this section shall be applicable to the location, size and placement of signs and shall otherwise be considered supplementary to the Building Code of the City. No provisions specified herein shall be construed to otherwise amend or nullify any provision of the Building Code or any Ordinance or regulation of the City pertaining to the erection, use, maintenance or operation of signs.
9. Any sign used in conjunction with a nonconforming use of land or buildings, if such sign is not in accordance with the provisions of this section, shall be deemed a separate nonconforming use of land and shall be subject to the provisions of Section 6 of this ordinance.
10. A sign in direct line of vision of any signal light, traffic control sign or other such device from any point in a moving traffic lane within 50 feet of, and approaching such traffic control, shall not be permitted.
11. Notwithstanding any provisions of the section, no sign shall be erected which constitutes an obstruction to view of operators of motor vehicles on public streets or entering such streets from private property. In the event of any question regarding sign obstructions, the Police Chief shall determine whether or not an obstruction exists.

Section 3. Permitted and Prohibited Signs.

1. Permitted signs. The following signs, when complying with the structural and safety requirements herein, may be permitted anywhere within the City of Mabank where such signs are approved, as provided herein and shall not require a permit:
 - a. Development - Construction signs: identifying the architect, engineer, contractor, owner and other individuals or firms involved, but not including any advertisement of any product, provided said signs shall be removed within fourteen days following the completion of construction of any project.
 - b. Street signs, banners and streamers suspended over or above dedicated streets or alleys are prohibited, except when a permit is obtained from the City Administrator.
 - c. Public signs of a noncommercial nature and in the public interest, erected by or on the order of a public officer in the performance of their public duty, such as safety, danger, trespassing, traffic, memorial, historical interest and the like, are hereby exempt from all of the provisions of the ordinance except for structural and safety regulations.
 - d. Real estate sign: A sign which advertises a parcel of land or a structure for rent, lease or sale, provided, however, that signs identifying model homes shall be considered real estate signs with the following conditions:
 1. See sign graph for size allowed.

2. No more than one sign per model home or residence for sale, rent or lease is permitted.

2. Prohibited signs. Signs which are strictly prohibited are those which:

- a. Contain statements, words or pictures of an obscene, indecent or immoral character that will offend public morals or decency.
- b. Contain or are in imitation of an official traffic sign or signal or contain the words "stop," "go," "go slow," "caution," "danger," "warning" or similar words.
- c. Are of a size, shape, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hides from view any traffic or street sign or signal.
- d. Are not permanently or adequately attached to a building or approved sign pole or structure.
- e. No revolving beam or beacon of light resembling any emergency vehicle light shall be permitted as part of a sign display in the City of Mabank, nor shall any sign be located so as to obstruct the vision or sight distance of motor vehicle operators or pedestrians at any street intersection, street crossing or other part of traffic concentration.
- f. Any portable sign that is not permanently or adequately attached to a building or approved sign pole or structure, or which does not have a special use permit issued by the Sign Committee.
- g. Signs advertising the sale of alcoholic beverages. This shall not prohibit use of established trade names of establishments (i.e. "Steak and Ale").
- h. Signs advertising drink promotions (offering drinks for sale at a price reduced from the customary price during a specific period of the day for promotional purposes).
- i. No motor vehicles, trailers or other objects shall be used for the purpose of displaying off-site advertising signs on any property. Any business located in the City of Mabank may park vehicles on the property where the business is located with advertising on the vehicle.

Section 4. Illuminated signs.

1. Illuminated signs shall be constructed and located so as to protect the general welfare of all citizens and the safety of the motoring public.
2. The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be hazardous or objectionable to the adjacent or surrounding areas.
3. No sign shall have blinking, flashing or fluttering lights or other illuminating device. Beacon or revolving lights shall not be permitted.
4. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
5. Neither the direction nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
6. No exposed reflective type bulbs and no strobe lights or incandescent lamps exceeding 15 watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp, to any public street or adjacent property; however, illuminated signs which indicate such customary public services as time, date, temperature or other similar information may be permitted.

Section 5. Off-Premise Advertising Signs.

Billboard Signs or Off-premise signs providing for off-premises advertising shall only be permitted in commercial or industrial areas of the City of Mabank or in other specific areas authorized by the Mabank City Council.

1. Billboard Signs (Off-Premise) advertising signs shall not be permitted along State Highway 198 between the southern right-of-way line of Jeter Street on the north and the southern right-of-way line of Pine Street on the south.

2. Billboard (Off-Premise) advertising signs shall not be permitted along U. S. 175 Business (Mason Street) between the eastern right-of-way line of Adair Road (C. R. 4006) on the west and the western right-of-way line of Bexar Street on the east.
3. Billboard (Off-Premise) advertising signs shall be set back from public rights-of-way a minimum distance of 20 feet.
4. Billboard (Off-Premise) advertising signs shall not be constructed or erected within public utility easements.
5. The advertising display area or face of an Off-Premises Billboard sign may project 10 feet into the minimum distance setback of 20 feet from public rights-of-way and 10 feet into public utility easements provided that the clearance from the ground to the bottom of the advertising display area structure.
6. Off-Premises Billboard advertising signs, where permitted, shall have a minimum spacing or lineal distance between signs of 1320 feet, parallel to a road right-of-

Section 6. Nonconforming Signs.

1. All signs existing at the time of the enactment of this ordinance that are not conforming to the provisions herein shall be regarded as nonconforming signs. Such signs may be continued in use when properly and safely maintained.
2. Signs existing at the time of the enactment of this ordinance that did not apply for and receive a sign permit prior to construction, and adoption of this ordinance shall be removed, unless a sign permit in conformance with this ordinance is issued. Said signs shall be removed by the owner within 30 days after written notice from the code enforcement official. If such order is not complied with, the code enforcement official shall cause such sign or billboard to be removed at the expense of the owner thereof. For sale, lease or rent notices or signs shall not be deemed as advertising signs.
3. Nonconforming signs that are structurally altered, relocated or replaced shall comply immediately with all of the provisions of this Ordinance.

Section 7. Rules of Construction.

1. The area of a sign shall be computed by drawing a line or lines around the sign in such a way to form not more than four regular geometric figures such as a rectangle, circle, triangle, trapezoid or ellipse. The total of these figures shall be the total area of the sign. All portions of the sign structure, which are internally illuminated, shall be subject to the area limitations of Section. 10.
2. The maximum size area in square feet, as prescribed in Section 10, shall apply to only one sign face. If the sign has more than one face, the maximum area of all faces shall be twice the area prescribed in Section 10.
3. The height of a sign shall be measured as follows:
 - a. Ground, pole or billboard sign within 100 feet of a street abutting the property on which the sign is located: From the top of the curb of the nearest street adjacent thereto, or if there is no curb, from a point six inches above the edge of the road surface, to the top of the sign structure.
 - b. Ground, pole or billboard sign more that 100 feet from an adjacent street: From the ground at the sign base to the top of the sign structure.
 - c. Roof sign: From the roof level at the base to the top of the sign structure.

Section 8. Special Standards for Signs.

1. The maximum sign heights prescribed in Section 10 shall apply only to ground-monument and pole signs.
2. Apartment signs shall be placed a minimum of 300 feet apart or one per street frontage.

Section 9. Special Height and/or Area Signs.

In order that the City may develop in accordance with the intent and purpose of this ordinance and in order that substantial justice may be done, signs may be erected which exceed the height and aerial limitations contained in Section 10 after approval of the same as a specific use, having due regard for the size (acreage) and topography of the premises or site and the elevation of adjacent roadways.

Section 10. Schedule of Sign Standards

No signs shall be erected, placed, displayed or located except in accordance with the schedule of sign standards, as shown on the following graph.

SCHEDULE OF SIGN STANDARDS

Sign Type	Permitted In	Max. Area in Square Feet	Max. Height	Construction Type Permitted (Classification Sec. 1)	Setback Required from Property Line	Spacing	Lighting Interior Illumination (ii) Indirect Illumination (ind)	Other Types Permitted (Section Sec.1, Sec.3)	Maximum Duration	Additional Requirements
Real estate	All Residential areas	16	8	c, e	None	One of each per street frontage	ind		Temporary	(2)
Institution	Residential areas	32	8	c, g	10	One per street frontage	ind	Direction f	Permanent	(3), (5)
Institution	All Commercial and Industrial areas	80	20	c, e, g	20	One per street frontage	ii, ind	Direction f, h	Permanent	(3), (4), (5)
Development	All Commercial, Industrial & Planned Residential areas	200	20	a, c, e	20	Two per development	ind	j	Temporary until project complete or Permanent by permitted project design	(5)
Apartment	All Multifamily & General Business areas	75	6	c, e	20	One per street frontage	ii, ind	a, b, f,	Permanent	Height N/A for wall [signs] (1), (2), (5)
General Business	General Business areas	64	30	c, e, g	20	One per street frontage & a wall	ii, ind		Permanent	(1), (5)
General Business & Industrial areas	All Commercial & Industrial areas	200	30	a, b, c, d, e, f, g	20	One per street frontage	ii, ind	h	Permanent	(4), (5)
Real estate	All nonresidential areas	64	20	e, f	None	One per street frontage	ind		Temporary	(5)
Special height and/or area		For pylon type signs for shopping centers, industrial complexes and similar type uses in General Business and Industrial areas, see Section 2.6.a and Section 9.								

- (1) General Business areas located, 1—along State Highway 198 between the southern right-of-way line of Jeter Street on the north and the southern right-of-way line of Pine Street on the south and 2—along U. S. 175 Business (Mason Street) between the eastern right-of-way line of Adair Road (C. R. 4006) on the west and the western right-of-way line of Bexar Street on the east.
- (2) Not applicable to rental of single units in multifamily or commercial uses.
- (3) May have either reader board/directory, in addition to identification signs.
- (4) See Section 5. Off-Premise Advertising Signs for additional regulation.

(5) Setback requirements only apply to ground-monument, pole and billboard signs.

Section 11. Abandonment of Signs.

Any sign or billboard not used for advertising purposes for a period of six months shall be deemed to be in excess of requirements and abandoned. Such signs shall be removed by the owner within 30 days after written notice from the code enforcement official. If such order is not complied with, the code enforcement official shall cause such sign or billboard to be removed at the expense of the owner thereof. For sale, lease or rent notices or signs shall not be deemed as advertising signs.

Section 12. Administration.

1. The City Administrator is hereby authorized and directed to enforce all the provisions of this ordinance. Upon presentation of proper credentials, he/she or authorized representatives may enter any building, structure or premises with the City of Mabank to perform any duty imposed by this ordinance.
2. The City Administrator may order the removal of any sign erected or maintained in violation of this ordinance. The Administrator shall give 30 days notice in writing to the owner of such sign or of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance. The Administrator may remove a sign at cost to the owner, immediately and without notice, if in his/her opinion, which shall be final, the sign presents an immediate threat or danger to the safety of the public.

Section 13. Fees

The following fees shall apply for all sign permit applicants:

- a) For signs thirty-two square feet and under the fee shall be \$40.00 per sign face.
- b) For signs over thirty-two square feet but less than sixty square feet, the fee shall be \$80.00 per sign face.
- c) For signs over 60 square feet, the fee shall be \$120.00 per sign face.
- d) For signs that require City Council approval, the fee shall be \$200.00 per sign face.

Section 14. Severability.

If any provision, exception, section, subsection, paragraph, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and; to this end, all provisions of this ordinance are declared to be severable.

Section 15. Penalties.

Any person, firm or corporation violating any provisions of this ordinance or failing to observe any provisions thereof shall be deemed guilty to a Class C Misdemeanor and upon