

ORDINANCE NO. 2006-__

AN ORDINANCE OF THE TOWN OF NEW HOPE, COLLIN COUNTY, TEXAS, PROVIDING FOR THE REGULATION OF SIGNS WITHIN THE CORPORATE LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE TOWN OF NEW HOPE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of New Hope, Texas (the "Town") has not adequately addressed the issue of signs within the corporate limits and extraterritorial jurisdiction of the Town;

WHEREAS, the Town Council finds that the attached sign regulations are in the best interest of the Town of New Hope because such regulations protect the rights of its citizens while protecting the legitimate interests of the Town; and

WHEREAS, the Town Council finds that it is in the best interest of the citizens of the Town of New Hope to enact the attached sign regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW HOPE, COLLIN COUNTY, TEXAS:

SECTION 1. Short Title. This Ordinance shall be known as the "Sign Ordinance" of the Town.

SECTION 2. Adoption. The "Sign Regulations" attached hereto as Exhibit "A" are hereby adopted by the New Hope Town Council.

SECTION 3. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect. A reference in any ordinance to sign regulations adopted by the Town pursuant to an earlier or different ordinance is hereby amended to refer to the sign regulations adopted by this Ordinance.

SECTION 4. Penalty Provision. Any person, firm, corporation or entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. Any violation of this Ordinance that is punishable by a fine that exceeds

the amount authorized by Section 12.23 of the Texas Penal Code shall require a culpable mental state of criminal negligence. The penal provisions imposed under this Ordinance shall not preclude the Town from filing suit to enjoin the violation. The Town retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 5. Effective Date. This Ordinance shall become effective upon its passage and publication as required by law.

PASSED, APPROVED and ADOPTED by the Town Council of the Town of New Hope, Texas, on this 31st day of October, 2006.

APPROVED:

Johnny Hamm, Mayor

ATTEST:

APPROVED AS TO FORM:

Raynese Woody, Town Secretary

John Rapier, Town Attorney

EXHIBIT "A"

TOWN OF NEW HOPE SIGN ORDINANCE

(Ord. No. 2006-____, § 2, 10/31/2006)

Section 1. Purpose.

The purpose of this sign ordinance is to regulate the location, size, construction, erection, duration, use and maintenance of all signs within the jurisdiction of the town on a content neutral basis. The specific objectives of this sign ordinance are to balance the rights of individuals to convey messages through signs and the right of the public to be protected from potential harm; to promote the health, safety, welfare, convenience and enjoyment of the public; to protect the public from damage or injury caused or attributable to distractions and destructions caused by improperly designed or located signs; to protect and promote property values; to promote community environmental setting and appearance, especially where scenic beauty is important; and to support the objectives of the individual zoning districts.

Section 2. Applicability of Sign Ordinance.

(a) Generally. Except as otherwise provided, the provisions of this sign ordinance apply to all signs in the town without regard to zoning.

(b) Extension of Sign Regulations into Extraterritorial Jurisdiction. The provisions of this sign ordinance include and are hereby extended into the extraterritorial jurisdiction of the town.

(c) Exceptions. Except for those regulations relating to the measurement of signs contained in Section 9 below, the provisions of this sign ordinance do not apply to the following:

- (1) Government signs.
- (2) Inside signs that do not fall within the definition of window sign.
- (3) Flags.
- (4) Special event signs on or over town or other public property when approved by the town council.
- (5) Street number signs not exceeding one (1) square foot.

Section 3. Applicability of Other Ordinances.

All signs erected or maintained pursuant to the provisions of this sign ordinance must be erected and maintained in compliance with all applicable state laws and with the town's

building code, electrical code, and other applicable ordinances of the town. In the event of conflict between this sign ordinance and other laws, the most restrictive standard applies.

Section 4. Administration.

The duties and responsibilities of administering this sign ordinance shall be vested in the building official of the town or such other person as may be designated from time to time by the mayor.

Section 5. Nonconforming Signs.

(a) Existing signs in conflict with this ordinance shall be classified as nonconforming, except that portable signs have no nonconforming rights.

(b) A nonconforming sign shall not be altered, rebuilt, enlarged, extended, or relocated, except a nonconforming sign that is designed for routine copy changes, such as a bulletin board or gasoline pricing sign, may be altered where the individual letters, numerals, or name panels are readily interchangeable.

(c) A nonconforming sign shall not be permitted to remain after cessation or change of the business or activity to which the sign pertains.

(d) A nonconforming sign shall not be re-established, repaired or rebuilt if the sign is allowed to deteriorate or is damaged by any means to an extent that the cost of repair or reconstruction is 50% or more of the replacement cost.

(e) A nonconforming off-premise sign (billboard) located on any lot shall be removed prior to the issuance of any building permit, certificate of occupancy, variance, special use permit, or zoning change effective for that lot and shall not be reconstructed at any later time.

(f) A lot may not be divided or created for the express or implied purpose of preserving the nonconforming status of any off-premise sign (billboard).

(g) On a premises where there exists a nonconforming sign, no new sign of any type otherwise permitted under this sign ordinance shall be erected or placed on such premises, permanently or temporarily, until the existing nonconforming sign is brought into compliance with this sign ordinance or removed from the premises.

Section 6. Obsolete Signs.

(a) Notice. Notice required from the building official under this section shall be in writing and may be delivered in person or by certified mail, return receipt requested.

(b) Removal of Obsolete Signs.

(1) Any sign located on property which is vacant or unoccupied for a

period of twelve (12) months shall be removed by the owner of the property within thirty (30) days following the date of notice from the building official.

(2) Any sign that is devoid of any message or advertising copy for a period of twelve (12) months shall be removed by the owner of the property within thirty (30) days following the date of notice from the building official.

(3) All signs relating to a product or service no longer available for purchase by the public, or relating to a business which is closed or has moved away, or displaying a message pertaining to a time, special event or purpose that no longer applies, shall be deemed obsolete after a period of ninety (90) days and shall be removed, or the advertising copy shall be removed when applicable. Painted wall signs that become obsolete under this provision shall be removed by painting over them with a color that matches the remainder of the wall. The owner of the premises shall be responsible for the removal of an obsolete sign under this provision within thirty (30) days following the date of notice from the building official.

Section 7. Signs Displaying Noncommercial Messages.

(1) Notwithstanding any other provision of this sign ordinance, any sign that may display a commercial message may also display a noncommercial message, either in place of or in addition to the commercial message, so long as the sign complies with other requirements of this sign ordinance or other ordinances of the town that do not pertain to the content of the message displayed.

(2) Notwithstanding any other provision of this sign ordinance or other ordinance of the town, any sign that may display one type of noncommercial message may also display any other type of noncommercial message, so long as the sign complies with other requirements of this sign ordinance or other ordinances of the town that do not pertain to the content of the message displayed.

Section 8. Special Exceptions.

(1) The board of adjustment may grant special exceptions from the provisions of this sign ordinance. In considering a request for special exception to requirements of this ordinance, the board of adjustment shall consider, but not be limited to, the type of sign, existing signs in the general area, the degree of change requested, the reason for the request, the location, the duration, the effect on public safety, protection of neighborhood property, the effect of the exception on the general plan of regulating signs within the town, and such other factors as the board deems pertinent.

(2) No special exception shall be granted by the board of adjustment if such exception conflicts with providing public safety, adequate lighting provisions, open space and air, conservation of land, protection of property values, and encouraging the appropriate use of the land.

(3) Nothing contained herein shall be construed to permit the variance of any building code or safety standard adopted by the town.

Section 9. Specific Regulations.

(1) Location on public property. No person shall place, erect or maintain, or cause the placement, erection or maintenance, of any sign upon any public right-of-way or public area, except as allowed by this sign ordinance.

(2) Attachment to tree or public utility pole or public structure. Attaching or maintaining any sign upon a tree or public utility pole or public structure is prohibited.

(3) Attachment to fences or nonstructural walls. Signs may be attached to the outside of a fence or wall that is not a structural part of a building, whether or not on the property line.

(4) Balloon or other device anchored to ground or structure. No person may erect, maintain or permit the erection of any balloon or other device anchored to the ground or to any structure that exceeds three (3) feet in size or that extends more than thirty (30) feet from ground level.

(5) Searchlights. Searchlights are prohibited.

(6) Portable signs. Portable signs on trailers that are capable of being moved around from place to place are prohibited. Vehicular signage is allowed.

(7) Billboards. Billboards are prohibited. The term "billboard" means a sign that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located. A billboard is also known as an "off-premise sign."

Section 10. Safety.

(1) Electrical signs.

(A) Electrical signs must comply with the requirements of the town's electrical code. In addition, all illuminated signs must be built to comply with Underwriters' requirements and shall bear the Underwriters' Laboratory label. Electrical devices or signs within reach of persons or public property must be protected by wire glass, safety glass, a locked box of metal or wood or other materials approved by the chief building official.

(B) Every sign using electricity erected after adoption of this ordinance must have the voltage and the amperage or the wattage printed thereon in a conspicuous place in clearly visible letters.

(2) Location with respect to utility lines and street light standards. Signs located near utility lines and street lights must comply with the distance clearance requirements of the National Electrical Code or other electrical code adopted by the town, as well as local utility standards.

(3) Obstruction of exits, windows, or other exits. No sign may be erected or maintained in such a manner that any portion of its surface or supports will obstruct or interfere in any way with the free use of any fire escape, fire equipment, required ventilator, stairway, door, window, or other exit.

(4) Signs not to constitute a traffic hazard. No person may erect or maintain any fluttering, undulating, swinging or rotating beacons, or strobe lights with lighting interruptions of less than five (5) second intervals. No sign may be erected or maintained in such a manner as to be likely to interfere with, obstruct the view of or be confused with any authorized traffic sign, signal, or device. No sign shall make use of the word "STOP," "GO," "DANGER," or any other similar word, phrase, symbol or character, or employ any red, yellow, orange, green or other color or light in such a manner as to interfere with, mislead or confuse motorists.

Section 11. Measurement Criteria.

(1) Sign area. For the purposes of this sign ordinance, sign area shall be measured as follows:

(A) *Square or rectangular sign:* length times height of the sign.

(B) *Irregular shaped sign:* area of rectangles or triangles or combination thereof necessary to enclose the sign face.

(C) *Sign composed of individual cutout letters or figures:* sum of area of rectangles, or triangles necessary to enclose each letter or figure.

(2) Distance between signs. Whenever a minimum distance between signs is indicated in this sign ordinance, it means horizontal distance measured from the points as if each sign touched the ground.

Section 12. Sign Permits.

(1) Required. Except as otherwise provided, no sign may be erected, relocated, posted, painted or maintained, and no advertising structure may be erected, relocated or maintained by any person without first obtaining a permit from the chief building official. In addition to the permit required from the town building official, electrical signs also require electrical permits under the electrical code.

(2) Exceptions. No permit or fee is required for the following type signs, but such signs are subject to all other provisions of this ordinance:

(A) Signs not exceeding one (1) square foot in area.

(B) On-site directional signs.

(C) Temporary signs not exceeding thirty-two (32) square feet in area.

(3) Plans to be submitted by applicant. All applications for sign permits must include a dimensioned drawing illustrating the design of the sign, the height, base, frame materials, color schemes, and letter size to be contained within the sign. If the sign is an electrical sign, electrical plans and specifications, and a site plan showing the location of the sign is also required. When requested by the town building official, more detailed plans may be required and such plans may be required to be prepared by a registered professional engineer or architect.

(4) Fee. The town council shall adopt sign permit fees by separate resolution from time to time.

(5) Expiration. A permit for a sign shall expire if the work is not started within sixty (60) days after the permit is issued, or not completed within one hundred twenty (120) days after work is commenced.

(6) Void permits. A permit issued under this ordinance for a sign which conflicts with any provision of this Sign ordinance is void.

(7) Required inspections. All signs require an inspection by the building inspection department.

Section 13. Signs Allowed in Specific Zoning Districts. The type of signs allowed and special requirements relating to signs in specific zoning districts are described in this ordinance. If no limitations are set for a particular zoning district, the general specifications prescribed in this ordinance for a particular type of sign prevail. It is unlawful for any person to erect or maintain any sign in a zoning district mentioned in this section unless such sign is of a type specifically allowed in such district. The following table lists the signs allowed by zoning district:

	SIGNS ALLOWED	
DISTRICT	Off-site	On-site
Single-family residential districts. (SF-2 and SF-4)	<ul style="list-style-type: none">- Directional signs.- Temporary signs.	<ul style="list-style-type: none">- Monument and wall signs as permitted by the planning and zoning commission at time of site plan approval for nonresidential uses allowed in residential districts.- Directional signs.- Temporary signs (including signs for garage sales).- Window signs.

Manufactured home district. (MHD)	<ul style="list-style-type: none"> - Directional signs. - Temporary signs. 	<ul style="list-style-type: none"> - Monument and wall signs as permitted by the planning and zoning commission at time of site plan approval for nonresidential uses allowed in residential districts. - Directional signs. - Temporary signs (including signs for garage sales). - Window signs.
General business district. (GB)	<ul style="list-style-type: none"> - Directional signs. - Temporary signs. 	<ul style="list-style-type: none"> - Business signs may be monument or wall signs, provided that only one monument sign per business is allowed for each 150 feet of street frontage. - Illuminated signs, provided that they are not erected within 100 feet of a residential district. - Transportation signs on parking lots. - Directional signs. - Temporary signs (including signs for garage sales). - Window signs.
Municipal district. (MU)	<ul style="list-style-type: none"> - Directional signs. - Temporary signs. 	<ul style="list-style-type: none"> - Municipal signs may be monument or wall signs, provided that only one monument sign per business is allowed for each 150 feet of street frontage. - Illuminated signs, provided that they are not erected within 100 feet of a residential district. - Transportation signs on parking lots. - Directional signs. - Temporary signs. - Window signs.

Section 14. Specific Criteria for Certain Signs.

(1) Monument signs. The following criteria shall apply to all monument signs. For an example of a monument sign, refer to **Figure No. 1** in Appendix A.

(A) *Location.* Signs shall not be placed in that portion of any corner lot in the town which portion is included in a triangle of the street corner of the lot formed by a diagonal line intersecting the curblines, at points twenty (20) feet from the street corner intersection of the curblines.

(B) *Height.* The maximum allowable overall height of the sign including the base, measured from existing grade or ground level is 15 feet. Creating a grade by berming or adding fill to increase the height of the sign is prohibited.

(C) *Sign area.* The sign area illustrating the business name or retail center name must not exceed forty-eight (48) square feet. The overall sign area, including the base and/or supporting frame, may be no more than eighty (80) square feet.

(D) *Sign base.* Monument bases must be a minimum of two (2) feet in height for signs less than five (5) feet in total height. For signs greater than five (5) feet in total height, the base must be at least forty (40) percent of the total height, but no less than two (2) feet high. All bases must have a minimum width of one (1) foot, and all of the base utilized for construction of the monument base and sign frame shall be compatible in materials and color with building materials selected for use on the main building of the lot.

(E) *Setback.* The entire body of the sign must be at least ten (10) feet from the property line. If the monument sign is located within or adjacent to a parking area, landscaping and distance from paving must be as approved by the planning and zoning commission.

(F) *Lighting.* Single-faced or double-faced signage is allowed. Lighting is permissible by back fluorescent or accent lighting.

(G) *Distance between signs.* The minimum distance between business signs is one hundred (100) feet.

(2) *Monument signs for retail centers.* The following criteria shall apply to all monument signs for retail centers. For an example of a retail center monument sign, refer to Figure No. 2 in Appendix A.

(A) *Retail center or multi-tenant building.* Retail center as used in this section means a multi-tenant center where more than one retail or business establishment is located within the center or operates therefrom.

(B) *Height.* The maximum allowable overall height of the sign, including the base measured from existing grade or ground level, is thirty (30) feet. Creating a grade by berming or adding fill to increase the height of the sign is prohibited.

(C) *Sign area.* The total sign area excluding the base must not exceed one hundred (100) square feet. The overall sign area, including the base and/or supporting frame, must not exceed one hundred fifty (150) feet.

(D) *Setback.* The entire body of the sign must be at least ten (10) feet from the property line.

(E) *Lighting.* Single-faced or double-faced signage is allowed. Lighting is permissible by back fluorescent or accent lighting.

(3) *Signs for multiple buildings located on single premises.* Signs located in the front yard of lots containing multiple main buildings which are separate and independent buildings must adhere to the following guidelines:

(A) Wall signs are allowed.

(B) Monument signs are allowed if the main building exceeds one thousand five hundred (1,500) square feet.

(C) No monument sign may be spaced closer than one hundred (100) feet along the street frontage for any one (1) lot or development.

(D) The monument sign criteria contained in subsection (a) of this section applies.

(4) Menu boards.

(A) *Location.* Signs shall not be placed in that portion of any corner lot in the town which portion is included in a triangle of the street corner of the lot formed by a diagonal line intersecting the curblin, at points twenty (20) feet from the street corner intersection of the curblin.

(B) *Height.* The maximum allowable height measured from existing grade or ground level is seven (7) feet. Creating a grade by berming or adding fill to increase the height of the sign is prohibited.

(C) *Sign area.* The overall sign area may not exceed thirty-five (35) square feet.

(D) *Appearance.* To avoid distractions that could constitute a traffic hazard, menu boards must be compatible with the architecture of the main building.

(5) Wall signs. The following criteria shall apply to all wall signs. For an example of a monument sign, refer to **Figure No. 3** in Appendix A.

(A) *Location.* One wall sign is allowed on the rear facade of the building. Additional wall signs may be placed on any other facade of the building if such facade faces an abutting street.

(B) *Sign area.* A wall sign may be up to ten (10) percent of the front facade or sixty (60) square feet, whichever is greater.

(6) Directional signs.

(A) *Off-site directional signs.*

(i) *Location.* Signs shall not be placed in that portion of any corner lot in the town which portion is included in a triangle of the street corner of the lot formed by a diagonal line intersecting the

curbline, at points twenty (20) feet from the street corner intersection of the curbline.

(ii) *Permit.* A permit (annual or occasional) must be obtained from the town. A permit application must provide the owner's name and address, as well as the name, address and telephone numbers of all sign placers.

(iii) *Size.* Signs must not exceed one-half ($\frac{1}{2}$) square foot and be no higher than three (3) feet.

(iv) *Setback and distance between signs.* Signs must be at least three (3) feet from the street curb or edge of pavement. Signs must be spaced a minimum of fifteen (15) feet from any adjacent sign.

(v) *Display times.* Signs may not be placed earlier than 12:00 noon Friday and must be removed no later than 12:00 noon Monday. If a holiday falls on Monday or Friday, the weekend is extended that extra day.

(vi) *Illumination.* Signs may have no illumination.

(vii) *Sign installer.* Persons installing such signs shall have operating appropriate flashing lights and reflective tape on the vehicle and trailer when placing such signs.

(viii) *Violations.* The town may issue citations or confiscate any signs that are found to be in violation of any of the conditions listed in this subsection (f). The town may choose to keep or discard such signs without incurring any liability to the town. If three (3) citations are received within a 90-day period or if more than one (1) violation occurs in a single weekend by the same permit holder, the permit shall be revoked for a minimum of six (6) months. A copy of the requirements for placing signs shall be given to all permit applicants.

(B) *On-site directional signs.*

(i) *Location.* Signs shall not be placed in that portion of any corner lot in the town which portion is included in a triangle of the street the lot formed by a diagonal line intersecting the curbline, at points twenty (20) feet from the street corner intersection of the curbline corner.

(ii) *Setback.* Signs must be located no closer than three (3) feet from the edge of the street curb or street pavement.

(iii) *Size.* Signs must not exceed four and one-half (4½) square feet and be no higher than three (3) feet.

(7) *Temporary signs.*

(A) *Location.* Signs shall not be placed in that portion of any corner lot in the town which portion is included in a triangle of the street corner of the lot formed by a diagonal line intersecting the curblin, at points twenty (20) feet from the street corner intersection of the curblin.

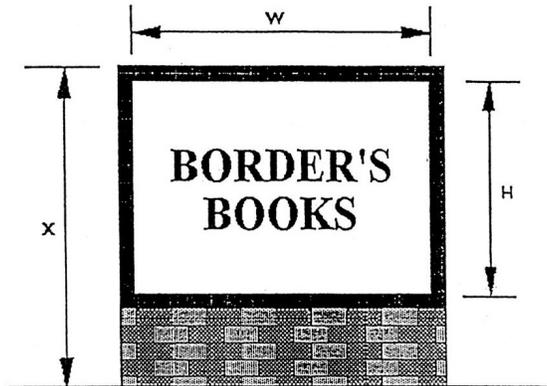
(B) *Size and height.* Signs must not exceed thirty-two (32) square feet in area or ten (10) feet in height measured from grade. The board of adjustment may grant a variance to this subsection to allow a sign on a content neutral basis up to two hundred (200) square feet in size and up to fifteen (15) feet in height.

(C) *Setback.* A sign must be set back at least ten (10) feet from the property line if the sign is larger than eight (8) square feet or four (4) feet in height. Signs must be located no closer than three (3) feet from the edge of the street curb or street pavement.

(D) *Display period.* Temporary signs must be removed within seventy-two (72) hours after the event to which the sign applies. If a sign is erected in conjunction with a project that is developed in phases, the board of adjustment may grant a variance to allow removal of the sign from property connected with a particular phase within up to thirty (30) days after that phase is completed. This subsection does not apply to a sign that is not related to a specific event.

Appendix A

Figure 1. Monument Signs



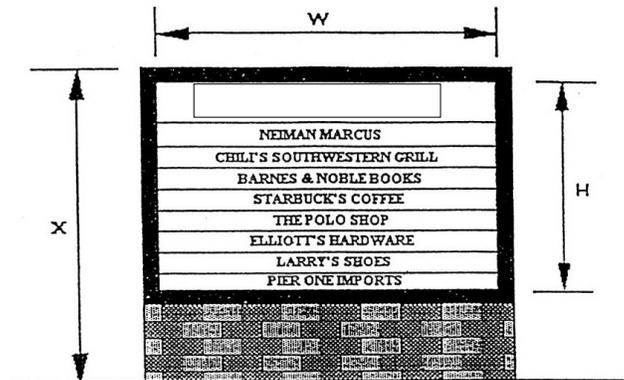
$$S = H \times W$$

$$O = X \times W$$

where,

- H = Measurable height of sign area
- W = Measurable width of sign area
- X = Maximum height of sign (not to exceed 8 feet)
- S = Maximum sign area (not to exceed 48 square feet)
- O = Maximum area of overall sign structure including sign base (not to exceed 48 square feet)

Figure 2. Monument Signs for Retail Centers



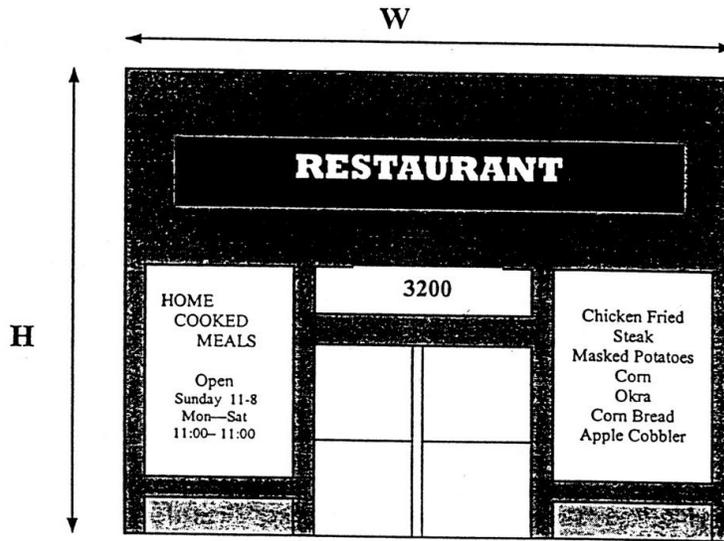
$$S = H \times W$$

$$O = X \times W$$

where,

- H = Measurable height of sign area
- W = Measurable width of sign area
- X = Maximum height of sign (not to exceed 20 feet for a parcel up to than 5 acres, not to exceed 30 feet for a parcel greater than 5 acres)
- S = Maximum sign area (not to exceed 100 square feet - 30 square feet for the retail center name and 70 square feet for tenant panels, which must be between 5 and 10 square feet)
- O = Maximum area of overall sign structure including sign base (not to exceed 100 square feet)

Figure 3. Wall Signs



$$S \leq 10\% \text{ of } Z$$
$$Z = X \times W$$

where,

H = Height of front building façade
W = Width of front building façade
Z = Front building façade area
S = Wall sign area