

ORDINANCE NO. 1866

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING CERTAIN SECTIONS OF ORDINANCE NO. 1832, REGULATING THE CONSTRUCTION AND USE OF SIGNS, BANNERS, AND AWNINGS IN THE CENTRAL BUSINESS DISTRICT, AS WELL AS THE CITY OF TERRELL; SECTION I, DEFINITIONS; SECTION II, SIGNS IN GENERAL; SECTION III, CLASS I - WALL SIGNS; SECTION V - AWNINGS; SECTION VII - AREAS INSIDE THE CITY OF TERRELL BUT OUTSIDE THE C.B.D.; SECTION VIII - SIGNS IN GENERAL ; SECTION IX. AREAS ALONG I-20, SPUR 557, S.H. 80 WEST OF S.H. 148/ EAST OF S. H. 429; SECTION XI. REMOVING OBSOLETE SIGNS; SECTION XII: SIGNS; SECTION XIII. ENFORCEMENT; PROVIDING FOR PROVISIONS FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE.

ARTICLE I.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, THAT:

SECTION I: REGULATIONS OF SIGNS, AWNINGS, AND BANNERS

DEFINITIONS

Add subparagraph E under Paragraph (F) PORTABLE SIGN and add Paragraph (O) WALL SIGN and (P) TRASH RECEPTACLE SIGNS as follows:

(F) PORTABLE SIGNS

E. A portable sign cannot be altered to become a permanent sign.

(O) WALL SIGN - Any structure directly or indirectly affixed upon the wall of any building or structure which is used to inform the public of any object, product, service, place, activity and/or organization or business, and is visible from the public R.O.W.

(P) TRASH RECEPTACLE SIGNS - This term refers to those signs which are publicly owned and/or sponsored .

SECTION II. SIGNS IN GENERAL

Amend Paragraph (A) Application - 1, Subparagraph (1) Permitted Uses to read as follows:

(1) Permitted Uses - Only three (3) classes of signs (other than traffic control signs) will be permitted in the C.B.D.

- Class I - Wall Sign**
- Class II - Marquee Sign**
- Class III** Trash Receptacle Signs which are publicly owned/sponsored

SECTION III. CLASS I - WALL SIGNS

DELETE PARAGRAPH (F) ILLUMINATION IN ITS ENTIRETY AND REPLACE WITH THE FOLLOWING:

Zone II, "On Premise" signs may be illuminated internally through the use of fluorescent or neon tubes, or externally through the use of gooseneck reflectors and lights, provided that such reflectors are provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. All electrical signs shall have an underwriters Laboratory listed marker on the sign.

SECTION V.: AWNINGS

Delete Paragraphs (C) RATIOS; (D) PROJECTION; (E) THICKNESS AND (F) COLOR in their entirety and replace with the following:

(C) RATIOS Awnings should be at an appropriate scale to the building size. They shall not extend above the roof-line of any single story structure or above the top of the second floor of any multi-story structure at the awnings highest point. They shall not completely obstruct any windows on the building. Nor shall they extend more than four (4) feet (15 feet) from the building face.

(D) PROJECTION - Since awning must extend beyond the building facade, a reasonable amount projection will be allowed. However, no awning shall be erected which extends more than four (4) beyond the building surface. A separation of at least two (2) feet must also be maintained between the outer edge of the awning and the nearest utility pole, light standard, traffic control sign or curblin. Where sidewalk is less than eight (8) feet wide, the 2-foot separation rule shall apply. The inner edge of the awning must be flush with the surface of the building and the awning sides must be a 90-degree angle with respect to the building facade.

(E) THICKNESS - Awnings must provide necessary room for structural and electrical considerations. No awning should be more than four (4) foot thick.

(F) COLOR - A mix of colors is recommended, but not more than three (3) colors per facade (logo excluded).. Awnings must maintain a consistent color scheme for each business. Colors must also be appropriate for building color, neighboring awnings and buildings, and any associated signs. Mirrors, or other highly polished/reflective materials shall not be permitted.

SECTION VII.: AREAS INSIDE THE CITY OF TERRELL, BUT OUTSIDE THE C.B.D.

Change Paragraph (1) BILL BOARD, AND OFF PREMISE SIGN REQUIREMENTS -

Delete Illumination in its entirety and replace with the following:

Illumination - Zone II, "On Premise" signs may be illuminated internally through the use of fluorescent or neon tubes, or externally through the use of gooseneck reflectors and lights, provided that such reflectors are provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. All electrical signs shall have an underwriters Laboratory listed marker on the sign. Change Paragraph (2) ON PREMISE SIGN REQUIREMENTS as follows:

Add paragraph:
Including monument, wall, shopping center signs and murals.

Add paragraph:
Free Standing Sign Only: (

Add paragraph:
Wall Sign: - Wall signs on buildings shall be no more than 30% of the wall area, and reduced to 17% of wall area when accompanied by a free standing sign.

Construction - Signs must be of a single or double pole, engineered steel nature.

Illumination - Zone II, "On Premise" signs may be illuminated internally through the use of florescent or neon tubes, or externally through the use of gooseneck reflectors and lights, provided that such reflectors are provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. All electrical signs shall have an underwriters Laboratory listed marker on the sign.

Delete Paragraph (3) in its entirety and replace with the following:

(3) A monument sign will start at the finish grade and rise to a height of no more than 8' with coverage of no more than 30% of the wall area.

SECTION VIII. SIGNS IN GENERAL

Add Paragraphs (D) SHOPPING CENTER SIGNS and (E) TEMPORARY SIGNS

(D) SHOPPING CENTER SIGNS - Any business which has more than one (1) legally recognizable business will be able to attach to the (1) "on premise" sign more than one (1) sign which each business can attach meeting the requirements of the surface area per linear foot of building frontage.

(E) TEMPORARY SIGNS -A "temporary sign" is a sign which includes, but is not limited to, a sign, banner, pennant, flag, searchlight, inflatable, outside display of merchandise or similar device which is to be displayed for a limited period of time. At the end of such period of time, such sign shall be removed. Temporary signs shall include, but shall not be limited to: banners, flags, pennants, searchlights, vehicle mounted signs, construction signs, development signs, ground signs, inflatable signs, model home signs, strobe lights, garage sale signs, and outdoor display of merchandise..Temporary signs can only be erected in any Zone II and III area and can be of wood materials, but cannot exceed 64 square feet, and can only be in place for no longer than 90 days.

SECTION IX: AREAS ALONG INTERSTATE 20, SPUR 557, STATE HIGHWAY 80 - WEST OF STATE HIGHWAY 148/EAST OF STATE HIGHWAY 429

Delete Paragraph (D) ILLUMINATION in its entirety and replace with the following:

Illumination - Zone III "On Premise" signs may be illuminated internally through the use of florescent or neon tubes, or externally through the use of gooseneck reflectors and lights, provided that such reflectors are provided with proper glass

lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. All electrical signs shall have an underwriters Laboratory listed marker on the sign.

SECTION XI: REMOVING OBSOLETE SIGNS

Delete Paragraph (B) in its entirety.

SECTION XIII: ENFORCEMENT

ADD PARAGRAPH (B) NOTICE TO ALTER OR REMOVE SIGNS.

(B) Notice to Alter or Remove Signs:

1. Any sign which is found to be in violation of these Sign Regulations may be removed by the Building Official after notification is given as provided herein. The notice shall:

(a) Be personally delivered or sent by Certified Mail, Return Receipt Requested.

(b) Describe the nature of the violation.

(c) Order the correction of the violation within a specified time which shall not be less than thirty (30) days from receipt of the notice; and

(d) Give notice that the Building Official may remove and impound the unlawful sign at the owner's expense if the violation is not corrected within the time specified in the notice.

2. If the person or business ordered to correct the violation fails to do so within the time specified, the Building Official may remove or cause removal of the unlawful sign; provided, however, that the person aggrieved by said notice or order may file an appeal with the following:

ZONE I, II, III - Central Business District Advisory Board

This shall be done in accordance with the provisions applicable for other appeals if timely filed. The procedures applicable to other appeals shall be followed and the order of the Building Official shall be stayed in accordance thereof, pending the final determination of the appropriate Board.

ARTICLE II.

That all ordinances or parts of ordinances in conflict herewith are to the extent of such conflict, hereby repealed. Any and all provisions or Ordinance No. 1832 not expressly amended by this ordinance shall remain in full force and effect.

ARTICLE III.

That is hereby declared to be the intention of the City Council that the section, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section shall be declared unconstitutional by the valid judgment or decree of any court of unconstitutional jurisdiction, such unconstitutionality shall not affect any of the remaining phrases,

clauses, sentences, paragraphs, and section, since the same would have been enacted by the City Council without the incorporation of any unconstitutional phrase, clause, sentence, paragraph, or section.

ARTICLE IV.

That this ordinance will take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

PASSED AND APPROVED on first reading this 21st day of January, 1997.

PASSED AND ADOPTED on final reading this the 4th day of February, 1997, by the City Council of the City of Terrell, Texas.

DON L. LINDSEY, MAYOR

ATTEST:

BOBBY BISHOP, CITY SECRETARY

APPROVED AS TO FORM:

MARY GAYLE RAMSEY, CITY ATTORNEY