

**TOWN OF FLOWER MOUND, TEXAS**

**ORDINANCE NO. 04-11**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY AMENDING SUBPART B, CHAPTER 86 OF THE CODE OF ORDINANCES, ENTITLED “SIGNS,” BY REPEALING SAID CHAPTER 86 IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 86, ALSO ENTITLED “SIGNS”; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, after public notice and public hearing as required by law, the Planning and Zoning Commission of the Town of Flower Mound, Texas, has recommended the repeal of Chapter 86 of the Code of Ordinances, entitled "Signs," by replacing said chapter with a new Chapter 86 entitled "Signs;" and

**WHEREAS**, all legal requirements, conditions, and prerequisites have been complied with prior to this case coming before the Town Council of the Town of Flower Mound; and

**WHEREAS**, after public notice and public hearing as required by law, and upon due deliberation and consideration of the recommendation of said Planning and Zoning Commission and of all testimony and information submitted during said public hearing, the Town Council of the Town of Flower Mound, Texas, has determined that it is in the public's best interest and in furtherance of the health, safety, morals, and general welfare of the citizens of the Town to amend the Town Code of Ordinances as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:**

**SECTION 1**

All of the above premises are hereby found to be true and correct legislative and factual findings of the Town of Flower Mound, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2**

From and after the effective date of this Ordinance, existing Chapter 86 of the Code of Ordinances, entitled "Signs," is hereby deleted in its entirety and replaced with a new Chapter 86, also entitled "Signs," to read as follows:

## **“Chapter 86 - SIGNS**

### **Article I. In General**

#### **Sec. 86-1. Purpose and intent of chapter.**

The purpose of the regulations of this chapter is to encourage and promote a signage element of the town that is consistent with the high aesthetic standards established in other standards of the town's development. The regulations of this chapter are intended to be a positive tool to accomplish this purpose for the benefit of the citizens, as well as the business community, and are not designed to discourage or inhibit aesthetically pleasing signage design, materials and placement.

#### **Sec. 86-2. Definitions.**

*Sign* means any letter, figure, character, mark, plane, design poster, pictorial, picture, stroke, stripe, line, trademark or reading matter of illuminated or non-illuminated surface that 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, public performance, article, machine or merchandise whatsoever, that is displayed in any manner whatsoever out of doors.

*Sign, agricultural*, means an accessory sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals or poultry raised or quartered thereon.

*Sign area (effective area)* means the area enclosed by drawing a rectangle around the outermost extremities of the sign or its letters, insignias, logos, etc., if the same is placed on a wall. The area of a ground sign shall include the sign base and sign cabinet.

*Sign, awning or canopy*, means any sign that is part of or attached to an awning or canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

*Sign, ball field*, means any temporary or permanent sign placed inside ball field fencing which is intended for advertising to raise funds for recreation programs.

*Sign, blinking or flashing*, means a repetitious or intermittent illumination of a sign face, message or conveyed information.

*Sign, building identification*, means a sign used to identify the name of a building or development, with placement being on the primary building wall and/or a ground sign.

*Sign cabinet* means the actual enclosure of a sign and its internal parts. A sign cabinet shall include the sign faces and the external limits of the sign face frame including its width, height and thickness.

*Sign, double-faced* means a sign with a sign face message on both sides shall be counted as a single sign. The two sides of a double-faced sign shall be parallel to one another with only one sign face visible from any point.

*Sign face* means the actual surface upon which the message of a sign is displayed. In the case of wall signs, the area contained within the outermost limits of the letters, logos, numbers, insignias, etc. shall be considered the sign face.

*Sign, ground*, means a sign characterized by construction of stone, concrete, metal or brick, etc. set on a monument, ground-mounted base.

*Sign, height*, means the vertical distance measured from the adjacent street curb level or the mean street grade elevation if no curb exists, to the highest point of the sign.

*Sign, human*, means a person dressed in costume, and/or holding a sign or having a sign affixed to the person for the purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, activity or product.

*Sign, off-premises*, means any sign identifying or directing attention to a business, profession, activity, commodity, service or entertainment other than one conducted, sold or offered for sale upon the site where such sign is located.

*Sign, on-premises*, means any sign located on the same site to which location, facility or place of business the sign refers.

*Sign, permanent*, means a sign so constructed as to be a lasting and enduring condition and in a permanent manner affixed to the, ground, wall or building, excluding such signs for which a specific time limit has been designated for the removal of such sign.

*Sign support* means the mechanism, device or structure that upholds the sign cabinet and/or face.

*Sign, pole*, means a sign mounted on vertical pole supports.

*Sign, temporary*, means any sign that does not meet the definition of Sign, permanent.

*Sign, wall*, means a sign attached to a building, wall or principal facade.

*Sign, window*, means a sign that is painted, attached, etched or formed into a window, door or other translucent opening of a facade.

*Window Area* means the total square footage of a window or group of windows without separation, calculated per plan view elevation.

**Sec. 86-3. Applicability of chapter provisions.**

The regulations of this chapter shall govern the placement and construction of all outdoor advertising display within the town, except special event signs that are allowed under section 98-976 in conjunction with a properly permitted or otherwise lawfully allowed special event. In accordance with state law, the provisions of this chapter are extended to the fullest extent possible to the extraterritorial jurisdiction of the town.

**Sec. 86-4. Prohibited signs.**

The following types of signs or outdoor advertising display are prohibited within all zoning district classifications in the town:

- (1) Projected signs. Signs that are projected more than 12 inches from a facade, wall, fence, roof or other principal means of support shall be prohibited.
- (2) Billboards. Large, off-premises outdoor advertising signs primarily located along arterials and highways and used for the express purpose of product advertisement shall be prohibited.
- (3) Portable signs. Signs mounted on portable or movable frames or structures, including signs placed on, but not affixed or attached to, the ground, shall be prohibited, unless specifically addressed in this chapter.
- (4) Searchlights. Large lighting fixtures used to attract attention to a business or specific location shall be prohibited.
- (5) Vehicular signs. Signs placed on or affixed to vehicles and/or trailers that are parked on a public right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property shall be prohibited. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.
- (6) Balloon or inflatable device. Any sign or form of advertisement in the form of or attached to a balloon or other inflatable, inflated or floating device shall be prohibited, except as provided for in section 86-73(b)(10), grand opening signs.
- (7) Flags or banners. Any pole mounted flag, banner, or material of cloth, vinyl, plastic, canvass, leather or other similar material used for the express purpose of attracting attention to a place of business or location shall be prohibited, except as provided for in sections 86-73(b)(8), coming soon or now open signs, 86-73(b)(9), grand opening signs, 86-73(b)(10), now hiring signs, 86-73(b)(11), change of business/ownership signs, and 86-107, public announcement signs. This shall not include public display of a state, national, local, religious or institutional flag or emblem,

or a registered corporate logo which shall be allowed in any zoning district classification within the town, provided that the number of flag poles does not exceed three flag poles per platted lot with a maximum height of the flag pole not to exceed 25 feet and the maximum flag area does not exceed 15 square feet per flag in a residential zoning district; and provided the maximum height of the flag pole does not exceed 40 feet and the maximum flag area does not exceed 40 square feet per flag in a nonresidential zoning district. One registered corporate logo flag shall be permitted per platted lot provided that two or more flag poles have been erected on the lot and the other flag pole or poles are being used to display the national, state, or local flag. A registered corporate logo shall be limited to one flag. The 36 U.S.C.A. sections 173-176, chapter 10 Patriotic Customs, a copy of which is on file in the office of the town secretary is hereby adopted and incorporated in this section as if it was copied in its entirety and the provisions thereof shall be controlling within the town, except as amended in this section.

- (8) Nuisance signs. Any sign with moving parts, animated features, flashing, blinking or rotating illumination or any other visual and/or audible features that cause a distraction or public nuisance shall be prohibited.
- (9) Illegal or unlawful signs. Any sign that shall be considered unlawful or illegal by this subpart B and including, but not necessarily limited to, the following signs shall be prohibited:
  - a. Signs containing obscene, indecent or immoral words, pictures, descriptions or other matter.
  - b. Signs imitating governmental signs, including traffic control signs.
  - c. Signs blocking or obstructing public access, fire escapes, traffic visibility, utilities, etc.
  - d. Signs placed on or attached to other signs, utility poles, fire hydrants, trees, flagpoles, streetlamps or other means of support of an outdoor advertising display.
  - e. Any painting, marking or attachment of a sign to the street, sidewalk or building, other than house numbers or occupant names or as provided by this subpart B.
  - f. Any permanent sign located within the public right-of-way.
  - g. Any sign, permanent or temporary, in violation of this subpart B.
  - h. Any sign that is unsafe or unsecure, abandoned or maintained in a dilapidated condition.

- (10) V signs. Any sign constructed of two panels in the form of a V, when viewed from above, shall be prohibited.
- (11) Glare. No sign shall be illuminated to such intensity or in such a manner as to cause glare or brightness to such a degree that it constitutes a hazard or nuisance to traffic. Indirect lighting for signs shall not overshoot the facade of the sign.
- (12) Neon. There shall be no exposed neon except as provided in section 86-69.
- (13) Pole signs. Any pole sign erected prior to the adoption of this ordinance shall be eliminated when the property on which the pole sign is located changes zoning designation, ownership, or business names or becomes unsafe and poses a public danger as specified in section 86-7 and shall thereafter comply with this section.
- (14) Off-premises signs. All off-premises signs shall be prohibited except as provided in sections 86-67, 86-71, and 86-73.
- (15) Signs, painting, marking, and the like attached to poles, walls, railings, fences, etc. No person shall attach any sign, paint, stencil or write anything (except the correct physical address) on any walls, railings, fences, sidewalk, curb, gutter, street, utility pole, public building, or structure, unless otherwise allowed in this code.
- (16) Signs on architectural features. No sign shall be allowed on any architectural element such as a cupola, tower, dome, parapet wall, or any other aesthetic element unless such sign is located 10' or less from the top of the roof line of the building. This measurement will be taken from the roof line to the top of the sign.
- (17) Human signs. All human signs shall be prohibited except as allowed in section 86-72.

**Sec. 86-5. Licensing of sign installers.**

Any person or business engaging in the operation of erecting, installing, servicing or maintaining signs within the town must be registered to conduct such business with the town. For the purposes of this division, persons engaging in the business of erecting, installing and maintaining signs, shall be designated as sign installers, including those responsible for erecting temporary signs requiring a permit. No permit for the erection or alteration of a sign shall be issued to any person (other than a property owner erecting his own sign on his own property, provided that all requirements of this chapter are met) unless such person is registered pursuant to provisions of this division. Such registration shall be as set forth in appendix A of this Code, and shall be payable on January 1 of each year which fee will not be prorated.

**Sec. 86-6. Revocation of registration.**

Any contractor registration regulated by this code may be placed on hold or suspended by the building official thereby preventing any additional permits being issued to such contractor, if it is determined by the building official that corrective action is needed for compliance with the requirements of Chapter 18, Article II, Section 18-32. If any contractor registration regulated by this code is suspended, the procedures outlined in Chapter 18, Article II, shall apply. Any registration placed on hold more than three times in a calendar year may be subject to suspension by the building official.

**Sec. 86-7. Maintenance and removal.**

- (1) All signs and all their components, including, without limitation, supports, braces and anchors, shall be kept in a state of good repair. The area within ten feet in all directions of any part of a pole or ground sign shall be kept clear of all debris and all undergrowth more than five inches in height.
- (2) If a sign advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall, within 30 days of such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
- (3) If the message portion of a sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to prevent the changing of the message of a sign.
- (4) Should any sign become unsafe or in any way pose a public danger, the owner of the sign or the persons responsible for the maintenance of the sign shall, upon written notice, forthwith in the case of immediate danger and in any case within ten days, secure the same in a manner in conformity with the provisions of this chapter or remove such sign. If such order is not complied with within ten days, the sign shall be removed at the expense of the owner or lessee.

**Sec. 86-8. Presumption; violations in or on public property.**

- (a) If any sign of any nature is erected, constructed or maintained on public property in violation of this chapter, including but not limited to garage sales, neighborhood sales, weekend real estate directional signs, real estate signs, moving services,

housekeeping services, lawn care services or any other type of service or sales, such sign shall be subject to the following:

- (1) The sign may be subject to confiscation by town personnel.
    - a. Signs confiscated will be retained for a period of seven calendar days from the day after confiscation;
    - b. Confiscated signs may be reclaimed by the owner within the seven day retention period provided that an administrative fee as set forth in appendix A of this Code is paid;
  - (2) When any address appears on such a sign, it shall be prima facie evidence that the record property owner at the address so specified is responsible for the offense of erecting, constructing or maintaining such sign, and that person shall be guilty of a misdemeanor, upon conviction; and
  - (3) If such a sign contains no identifying information other than a telephone number, such information shall be prima facie evidence that the record property owner at the telephone number so specified is responsible for the offense of erecting, constructing or maintaining such sign, and that person shall be guilty of a misdemeanor, upon conviction.
- (b) The following evidence relative to the name, address or telephone number contained in the following records is prima facie evidence of the contents of the record.
- (1) Name. An authenticated photograph of the sign showing the name of the person allegedly responsible, or the sign itself.
  - (2) Address. A copy of that section of the most recent tax roll which shows the name and address of the record property owner and an authenticated photograph of the sign or the sign itself.
  - (3) Telephone number. An authenticated photograph of the sign or the sign itself, showing the telephone number, and a copy of the most recent telephone directory showing the listing, or a letter or other document showing the listed person and address at that telephone number.
- (c) Any presumption contained in this section is rebuttable and shall have the effects and consequences set forth in V.T.C.A. Penal Code § 2.05.

## **Article II. Regulations**

### **Division 1. Generally**

#### **Sec. 86-41. Requirement for permit.**

No sign shall hereafter be erected, constructed, altered or maintained, until a permit for the sign has been issued by the building official pursuant to this article; unless such sign is specifically noted as exempt from a permit otherwise in this chapter.

#### **Sec. 86-42. Fees and procedures.**

No sign permit shall be issued until all appropriate sign permit fees have been paid to the town as provided in this section as follows:

- (1) Initial permit fee. Initial permit fees shall be as listed in appendix A of this Code.
- (2) Renewal. A renewal permit fee as listed in appendix A of this Code shall be required for all on-premises and off-premises project or development signs renewed in accordance with section 86-73 b.(4), development or project signs (on-premises) or section 86-73 b.(5), development or project signs (off-premises).
- (3) Sign repair permit. Any repair or alteration to any sign requiring a permit by this division shall require an additional repair permit obtained by the building official upon application and payment of a repair permit fee as listed in appendix A of this Code.
- (4) Electrical permit. Any sign in which electrical wiring and connections are used shall require an electrical permit obtained according to the town's existing fee schedule.
- (5) Expiration. Every permit issued under the provisions of this division shall expire and become null and void if the work authorized by such permit is not commenced within 60 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of more than 120 days. Before such work can be recommenced, a new permit shall be first obtained.
- (6) Failure to pay permit fees. If a sign is installed, erected, replaced, altered, or relocated without a permit for such work, the applicable permit fee shall be doubled.

#### **Sec. 86-43. Sign illumination.**

A sign may be lighted by internal lighting from a light source entirely within the sign or by a lighting source located a distance away from the sign and projecting light onto the sign, subject to the following:

- (1) The light source shall be continuous and uninterrupted so as not to be flashing.
- (2) Lighting shall be in a manner so as not to interfere with traffic safety or to pose other safety hazards.
- (3) All electrical wiring shall conform to the electrical codes of the town.

**Sec. 86-44. Comprehensive sign package.**

- (a) Purpose. The purpose of this section is to allow for a specialized review of signs which may have meritorious design and seek to promote a unique quality for an existing or proposed development, but which require special consideration. Such specialized review shall encompass the number, size, height, color, location, lighting, and/or relation to adjacent property, to promote the public health, safety, and welfare and be consistent with the goals of community character. The permitting of such signs shall not be based on the content of any sign, but is intended to allow for the evaluation of the physical impact of the proposed comprehensive sign package on adjacent properties and to ensure adequate mitigation of potentially unfavorable factors, such as the number, size, height, color, location, lighting and other potentially unfavorable impacts. Under these provisions, any form of monument, statue, art work, tower, signage, as defined herein, or as proposed for a particular development as an architectural feature, other than a prohibited sign, may be presented as a comprehensive sign package for approval as stated herein.
- (b) Applicability. No building permit shall be issued in any zoning district for any use for which a comprehensive sign package is sought under this chapter until a special sign permit has been approved according to the requirements of this section.
- (c) Submittal requirements. Any person, firm or corporation having a proprietary interest in any property within the corporate limits of the town requesting approval of a special sign permit shall file an application with the office of development services. The completed application shall include the following information:
  - (1) A clear description of the proposed comprehensive sign package.
  - (2) A drawing of the proposed sign, at a scale of not less than one-quarter inch to one foot.
  - (3) The location of each proposed sign illustrated on a site plan at a scale of not less than one inch to 200 feet.
  - (4) A metes and bounds description of the subject property typewritten on an eight and one-half-inch by 11-inch sheet of paper.

- (5) A filing fee shall be submitted with every application in accordance with the fee schedule found in appendix A of this Code. In addition, a site plan review fee shall be submitted with every application requesting a special sign permit that requires a site plan in accordance with the fee schedule found in appendix A of this Code.
- (6) Development of the comprehensive sign package shall be in accordance with the approved site plan.
- (d) Issuance. The town council, after public hearing and proper notice to all parties affected and after public hearing and recommendation by the planning and zoning commission, may authorize the issuance of special sign permits for the comprehensive sign package.
- (e) Additional information. The planning and zoning commission, in considering and determining its recommendations to the town council on any request for a special sign permit, may require from the applicant plans, information, operating data and expert evaluation concerning the location, function and characteristics of any sign proposed.
- (f) Additional requirements. The town council may, in the interest of the public welfare and to ensure compliance with this section and the urban design criteria, establish conditions of operation, location, arrangement, proportionality scale, materials and construction of any use for which a permit is authorized. In authorizing the location of any use listed as a special sign permit, the town council may impose such development standards and safeguards as the conditions and location indicate important to the welfare and protection of adjacent property from glare, offensive view or other undesirable conditions.

## **Division 2. Commercial Signs.**

### **Sec. 86-61. Nameplates.**

No permit shall be required for wall signs showing only the name and address of the owner or occupant of the premises on which it is erected or placed not exceeding a total sign area of six square feet.

### **Sec. 86-62. Interior signs.**

No permit shall be required for signs located inside a building. Signs located within a building (interior signs) and visible to the outside of the building through the windows shall be located a minimum of ten feet from the building store front containing such windows. (Last sentence moved from Sec. 86-204)

**Sec. 86-63. Directional signs.**

No permit shall be required for small signs not exceeding five square feet in sign area and three feet in height that are displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, location of drive-up windows, directions to parking areas, one-way drives, restrooms, freight entrances and the like. These signs shall be directional only and may contain advertising with registered corporate logos. Maximum height applies to ground mounted signs and is not intended to prohibit placement of these signs over doorways, freight entrances, etc.

**Sec. 86-64. Menu signs.**

No permit shall be required for signs that display menus and related prices in connection with outdoor drive-through food service windows. Such signs shall not exceed 32 square feet in sign area and eight feet in height. These signs are strictly for on-site informational purposes and, therefore, shall be oriented so as to not be readable from the fronting public street.

**Sec. 86-65. Ball field fencing signs.**

No permit shall be required for any temporary or permanent sign placed inside ball field fencing which is intended for advertising to raise funds for recreation programs.

- (1) All such signs shall be one-sided and only face toward the interior of the field.
- (2) No portion of such signs shall project over the fence in which it is attached.
- (3) No such sign shall exceed the height of eight feet.
- (4) Advertising on a scoreboard is not considered a sign for the purpose of this section and no permit is required.
- (5) The back side of all such signs shall be protected with an application of paint or other protective coating and must be uniform in color.
- (6) All such signs shall be maintained in good condition, as evidenced by lack of deterioration.

**Sec. 86-66. Agricultural signs.**

A temporary or permanent sign advertising produce, crops or animals shall be permitted in the A agricultural district subject to the following:

- (1) Only one such sign shall be permitted for each street frontage.
- (2) All such signs shall be on-premises only.

- (3) All such signs shall be limited to a maximum sign area of 48 square feet.
- (4) The height of the sign shall not exceed fifteen feet (15').
- (5) All such signs shall be set back at least twenty feet (20') from the public street right-of-way.

**Sec. 86-67. Ground signs.**

All ground signs shall be subject to the following requirements:

- (1) The height of a ground sign shall not exceed ten feet. The height of the ground sign shall be measured from the adjacent street curb level or the mean street grade elevation if no curb exists.
- (2) The width of a ground sign shall not exceed ten feet.
- (3) The sign area of a ground sign shall not exceed 60 square feet (per side if a double-faced sign).
- (4) A ground sign shall identify only the following:
  - a. Churches shall be allowed to identify the name, church logo, address, name of pastor, hours of major services, phone number, and denominational affiliation. Secondary signs, when allowed by ordinance, shall identify only the name, address and church logo.
  - b. Schools shall be allowed to identify the name of school and/or school district, school logo or mascot, address, phone number. Secondary signs, when allowed by ordinance, shall identify only the name, address and school logo or mascot.
  - c. Nonresidential uses other than schools or churches shall be allowed to identify the name of the building, building complex and/or the names of the tenants, provided that no more than 75 percent of the sign area is devoted to the identification.
- (5) In addition to subparagraph 4, above, each ground sign may identify the street number, the area of which shall not exceed 1 square foot.
- (6) All ground signs shall be set back at least 15 feet from any public street right-of-way line.
- (7) A ground sign shall be architecturally compatible with the colors and materials of the building that it is identifying and must include a masonry border around the entire perimeter of the sign.
- (8) Ground signs shall be located at least 120 feet apart and at least 60 feet from the property lines of any other lot.

- (9) Changeable message signs, including both electronic and changeable panels, shall not be permitted. Notwithstanding the foregoing, changeable message signs shall be allowed subject to the following restrictions.
- a. Churches shall be allowed a changeable panel of up to 16 square feet with a maximum height of two feet and with letters being no more than 12 inches in height. The sign face of the changeable panel shall be designed and constructed in a manner capable of changing characters or panels attached to the face of the sign.
  - b. Schools shall be allowed a changeable panel of up to 16 square feet with a maximum height of two feet and with letters being no more than 12 inches in height. The sign face of the changeable panel shall be designed and constructed in a manner capable of changing characters or panels attached to the face of the sign.
  - c. High schools located in any zoning district shall be allowed a digital electronic sign face. Such sign face shall not blink, flash scroll or contain moving or animated parts, messages or components and shall be limited to 32 square feet in sign area.
  - d. Fuel-price sign means a sign which displays only the brand, type or prices of various types of gasoline or diesel fuel available at a motor-vehicle fuel-service station and may be constructed as electronic or changeable panel. These signs shall not flash, blink, scroll or contain moving or animated parts, messages or components. These signs must be included and sized as part of a ground sign or must follow the requirements located in Sec. 86-73 b. (12).
  - e. Institutional uses shall be allowed changeable message signs. Institutional uses include facilities owned and/or operated by the federal government, state government, county government, and/or a political subdivision of the state, including public works projects.
- (10) Unless prohibited for safety reasons, any existing, legally permitted, ground sign that is damaged or destroyed by any force beyond the owner's control may be rebuilt using the same dimensions, including location as the original sign. In addition, a permit to rebuild such sign must be submitted within ten days of the event, must be submitted to replicate the original sign, and must follow the permitting timeframes located in the Town adopted Building Code. If any permit is allowed to expire for any reason or is not submitted within the ten day timeframe, that sign will be required to meet the current ordinance.

- (11) Off-premises signs shall be permitted for a multitenant building complex, subject to the following requirements:
- a. Only one such sign shall be permitted for any building complex.
  - b. The off-premises sign shall be located on a contiguous tract to the building complex.
  - c. A town-approved unity agreement between affected property owners shall be required.
  - d. Any such sign shall comply with the distance requirements of section 86-96 a. (7).
- (12) An elementary or secondary school or a college or university shall be permitted the following signage:
- a. Schools that have less than 1,000 feet of continuous frontage on a street shall be permitted one ground sign.
  - b. Schools that have at least 1,000 feet of continuous frontage on a street shall be permitted two ground signs, provided that such signs shall be separated by a minimum of 700 feet. In addition, one small monument sign of a commemorative or memorial nature shall be permitted, if not located within 200 feet of other permitted signs, and provided that the sign face shall not exceed 19.2 square feet (per side if double-faced sign). (Sec. 86-174)
- (13) Nonresidential buildings other than schools shall be permitted one ground sign for each street frontage with a maximum of two ground signs, subject to all other requirements in this section.

**Sec. 86-68. Wall signs.**

- (a) Generally. All wall signs shall be subject to the following requirements:
- (1) Wall signs shall only be attached to building walls, mansard roofs with slopes of 60 degrees or greater, or subdivision screening walls.
  - (2) No wall signs attached to a mansard roof shall extend above the roofline, nor shall wall signs attached to building walls or fences extend above those structures.
  - (3) No wall sign shall protrude more than 12 inches from the principal structure to which it is attached (i.e., the depth of the sign shall not exceed 12 inches).

- (4) No wall sign shall exceed 300 square feet of surface area. Wall signs used for identification of residential subdivisions shall not exceed 32 square feet in sign area.
- (5) For tenants with 60 feet or more of lineal frontage of building wall, one primary sign shall be allowed, with up to two secondary signs allowed. The total dimensions for all primary and secondary signs shall not exceed the maximum allowed dimensions shown in subsection (6) of this section.
- (6) The maximum allowable height and width of wall signs shall be as follows:

TABLE INSET:

Lineal Footage of Building Wall	Maximum Sign Width	Maximum Sign Height
Less than 20 feet	80 percent of lineal footage	36 inches
20 feet up to 25 feet	75 percent of lineal footage	42 inches
25 feet up to 35 feet	70 percent of lineal footage	48 inches
35 feet up to 45 feet	65 percent of lineal footage	54 inches
45 feet up to 60 feet	60 percent of lineal footage	60 inches
60 feet or more	55 percent of lineal footage	72 inches

- (7) No wall sign shall be closer than one foot from the edge of the storefront on which the sign can be placed.
  - (8) A single-tenant building within a corner development that faces an arterial or collector street and does not have the legal address may place an additional wall sign on this side wall, subject to the standards set forth in subsection (6) of this section.
- (b) Specific signs. Specific wall signs shall be subject to the following requirements:
- (1) Nonresidential multitenant buildings with exterior access to more than two individual office or business suites may be allowed more than two wall signs for tenant identification, subject to the following:
    - a. Each tenant with exterior access shall be permitted one wall sign, with the height and width of such sign based on the lineal footage of the storefront and the standards set forth in section 86-68 (a)(6).
    - b. An end or corner tenant with secondary frontage may place an additional wall sign on this side

wall, subject to the standards set forth in section 86-68 (a)(6).

- c. A tenant in a building that backs up to a street, does not have parking between the building and the street, and does not have an entrance facing the street shall be allowed one additional wall sign on that back elevation, subject to the standards set forth in section 86-68(a)(6).
- d. Wall signs authorized in this section are to be allowed in lieu of, and not in addition to, the general limitations on wall signs set forth in subsections (2) and (3) of this section.

(2) Nonresidential buildings (multitenant interior access).

- a. One wall sign shall be permitted per building wall not to exceed two walls to identify a maximum of two tenants.
- b. One additional wall sign shall be permitted, to be utilized as a "directory" sign to list building tenants, with uniform lettering and oriented so as not to be readable from a public street. Such additional wall sign shall not exceed six feet in height, shall not exceed 18 square feet of sign area, shall not contain lettering exceeding two inches in height, and shall not be visible from any public street.

(3) Nonresidential buildings (other).

- a. One wall sign shall be permitted per tenant, plus one additional wall sign for each end or corner tenant that has secondary frontage.

(4) Building identification wall signs.

Building identification wall signs shall be permitted in accordance with section 86-68 et seq., subject to the following:

- a. Building identification wall signs are in addition to wall signs allowed for multitenant buildings.
- b. Building identification wall signs must be designed with an architectural focal point to accommodate such wall signs.
- c. Building identification wall signs must be placed on the designated focal point and must be a minimum of five feet from any other sign located on the same building wall.

- d. Multi-building complexes shall be allowed only one building identification wall sign.
- e. Building identification wall signs shall be limited to a maximum of 25 percent of the lineal building wall length with a maximum sign surface area not exceeding 150 square feet.
- f. The maximum allowable height and width of building identification wall signs shall be as follows:

TABLE INSET:

Lineal Footage of Shell Building Wall	Maximum Sign Width	Maximum Sign Height
Less than 150 feet	25% of lineal footage	18 inches
151 feet up to 300 feet	25% of lineal footage	24 inches
301 feet or more	25% of lineal footage	30 inches

- g. When building identification wall signs are to identify a building/development, the tenant signs for that building must be reduced by 50 percent of the allowed width, height and overall square footage pursuant to subsection 86-68 (a)(6).
- h. Building identification wall signs shall be allowed only on the primary building wall.
- i. Building identification wall signs shall only be attached to building walls, mansard roofs with slopes of 60 degrees or greater.
- j. No building identification wall sign attached to a mansard roof or building wall shall extend above the roofline.
- k. No building identification wall sign shall protrude more than 12 inches from the principal structure to which it is attached (i.e., the depth of the sign shall not exceed 12 inches).
- l. No building identification sign shall be closer than one foot from the edge of the building wall or mansard roof that it is attached to.

(5) Multifamily developments.

Multifamily developments of eight units or more shall be permitted one wall sign for identification of the development for each street frontage.

**Sec. 86-69. Window signs.**

Window signs shall be subject to the following:

- (1) Window signs shall be limited to a maximum of 20 percent of window area.
- (2) No blinking, flashing, moving or neon signs shall be allowed as window signs; provided, however, that for retail or commercial uses, one interior nonintermittent and nonmoving neon window sign stating "OPEN," not exceeding five square feet in area as measured from the outer dimensions of such sign and consisting of not more than two colors, shall be allowed.
- (3) In lieu of window signs a tenant may have permanently mounted, framed, posters within 3 feet of the window. Such signs must comply with subsection (1) of this section and may not have any lighting associated with such poster sign.

**Sec. 86-70. Awning or canopy signs.**

An awning or canopy sign can be used as the primary sign in lieu of a wall sign or neon sign, subject to the following:

- (1) The maximum height of the lettering of a canopy or awning sign shall not exceed eight inches.
- (2) One business logo is permitted to be applied to the slope portion of the canopy, centered over the primary entrance.
- (3) A second logo is allowed if the storefront wraps a corner, one per frontage.
- (4) The logo shall not exceed four feet in width and three feet in height.
- (5) Only gooseneck type full cutoff light fixtures shall be permitted when indirect lighting for awning or canopy signage is preferred.
- (6) No backlighting of canopy or awning signs is allowed.
- (7) All outdoor lighting for canopy or awning signs must comply with the outdoor lighting provisions set forth in section 82-275 and sections 98-1101 et seq.
- (8) The light fixture shall not extend more than four feet from the building facade from which it is attached.
- (9) The total sign area for an awning or canopy sign shall not exceed the maximum allowance as outlined in section 86-68.
- (10) Multiple canopies shall be permitted provided the maximum sign area as outlined above is not exceeded.

- (11) The following typefaces for awning or canopy signs shall be allowed as outlined in illustration 8.11.2. following chapter 98, zoning:
- a. Americana Bold
  - b. Bembo Semi-Bold
  - c. Bodini
  - d. Copperplate 30BC
  - e. Helvetica medium
  - f. Palatino

**Sec. 86-71. Businesses in Water Recreation zoning districts.**

Off-premises signs shall be permitted for business establishments located in the WR water recreation district, and located adjacent to Grapevine Lake or on United States Army Corps of Engineers property, subject to the following:

- (1) Only three such signs shall be permitted for any such business establishment.
- (2) All such signs shall be limited to a maximum sign area of 24 square feet.
- (3) The maximum height of the sign shall be 20 feet.
- (4) All such signs shall be set back at least 20 feet from the public street right-of-way.
- (5) No such sign shall be located within 500 feet of another such sign or within a platted subdivision.

**Sec. 86-72. Human signs.**

No permit shall be required for human signs. Human signs are prohibited. Notwithstanding the foregoing, human signs announcing a fund-raising event for a charitable, religious, philanthropic, educational or civic institution shall be allowed but are subject to the following restrictions.

- (1) The human sign shall be limited to on-premises display only.
- (2) Human signs shall not be located in the right-of-way.
- (3) Human signs shall only be permitted during the fund-

raising event.

- (4) The fund-raising event shall last no longer than six hours per day.
- (5) No more than one fund-raising event is held on the premises hosting the fund-raising event within any four month time period.
- (6) The human sign shall not utilize any lighting device or other item that will distract or otherwise interfere with the attention of the driving public.

**Sec. 86-73. Temporary commercial signs.**

- (a) Generally. All temporary commercial signs shall be subject to the following:
  - (1) Such signs may not be placed so as to impair the corner visibility of intersections of streets, driveways and alleys pursuant to section 82-161.
  - (2) Such signs shall not be placed within the public right-of-way.
  - (3) Such signs shall not be placed on public property including but not limited to parks, public facilities and public open spaces.
  - (4) All such signs must be placed on private property only.
  - (5) Only one sign for every 50 feet of lineal frontage of private property shall be permitted.
  - (6) Such signs shall not be affixed to utility poles or official signs.
- (b) Specific signs. Specific temporary signs shall be subject to the following requirements:
  - (1) Real estate signs.
    - a. No permit shall be required for signs not exceeding six square feet in sign area and three feet in height advertising the sale, lease or rental of real estate.
    - b. For sale (residential structures on small tracts). Real estate signs advertising the sale, lease or rent of individual housing units shall be permitted provided that:
      - 1. One such sign shall be allowed pursuant to subsection (2) of this section.

2. One such sign may be placed on-premises any day of the week.
- c. Open house signs. Signs advertising the display of an open or unlocked unit for sale, lease or rent shall be permitted in place of or in addition to a real estate sign provided that:
1. The number of on-site open house signs is limited to one (1) sign placed on-premises and three (3) placed off-premise.  
  
On-premises open house signs may be placed any day of the week.
  3. Off-premise open house signs may be placed between the hours of 8:00 a.m. and 8:00 p.m. on the day of the event and must be removed by 8 pm the day of the event.
  4. The address of the open house property must be located somewhere on the face of each sign, and should at a minimum be legible at a close distance.
- d. Weekend real estate directional signs. Any temporary weekend directional sign placed for off-premises advertising or direction of traffic or to call attention to a real estate project, development or subdivision shall be limited to off-premises directional signs and model home signs. Weekend real estate directional signs shall be permitted on a temporary basis provided that:
1. Weekend real estate directional signs may be placed between the hours of 4:00 a.m. and 8:00 a.m. on Saturdays and Sundays and must be removed no later than 8:00 p.m. on Sunday.  
  
Weekend real estate directional signs may display only the name and/or logo of the builder, developer or real estate company and may include a directional graphic such as an arrow.
  3. Only one sign for every 50 feet of lineal frontage of private property shall be permitted.

- (2) Advertising sale, lease or rental of nonresidential structures.

Real estate signs advertising the sale, lease or rental of any nonresidential structure shall be limited to the following conditions:

- a. All signs shall be on-premises only.
- b. The sign area of the sign shall not exceed 32 square feet.
- c. The height of the sign shall not exceed ten feet.
- d. No more than one sign shall be permitted per property for each arterial or collector street frontage.
- e. Temporary window signs are permitted up to 20 percent of the total window area.

- (3) Advertising sale of vacant or large tracts.

Real estate signs advertising the sale or lease of undeveloped land or developed land of two acres or more shall be limited by the following conditions:

- a. All signs shall be on-premises only, except land owners with contiguous property for sale may advertise the land for sale as a whole.
- b. The sign area of the sign shall not exceed 32 square feet.
- c. The height of the sign shall not exceed eight feet.
- d. Only one sign shall be permitted for tracts up to five acres. Additional signs shall be permitted for each additional five acres up to a maximum of four signs.
- e. No signs may be placed closer than 500 feet to any other real estate sign on the same property.
- f. All signs shall be set back at least 3 feet from the public right-of-way.
- g. The permit number contained on the sign permit shall be affixed to the back of each sign.

(4) Development or project signs (on-premises).

On-premises signs identifying residential, retail, office, commercial, industrial, mixed land use or planned developments shall be permitted, but limited by the following conditions:

- a. The maximum sign area of such a sign shall be based on the size of the development as follows:

TABLE INSET:

less than five acres	48 square feet
five to 50 acres	64 square feet
50 to 100 acres	100 square feet
more than 100 acres	200 square feet

- b. The height of the sign shall not exceed 20 feet in height.
- c. Only one sign shall be permitted for tracts up to five acres. Additional signs shall be permitted for each additional five acres up to a maximum of two signs.
- d. No signs may be placed closer than 500 feet to any other real estate sign advertising the sale of the same property, unless it is attached to such sign. The attachment of two such signs will be permitted only once for each tract of land for sale.
- e. All signs shall be set back at least 20 feet from the public right-of-way.
- f. No sign may be erected until a record plat has been approved for the project or for the first phase, if a multiphase project.
- g. Permits for on-premises development or project signs shall be for a period of one year from the date of issuance and shall be renewable by the building official for additional one-year periods, until the development is 80 percent sold or leased.
- h. The sign permit fee for on-premises development or project signs initially erected without a permit shall be double the amount set forth in appendix A of this Code.

(5) Development or project signs (off-premises).

Off-premises signs identifying residential, retail, office, commercial, industrial, mixed land use or planned developments shall be permitted but limited by the following conditions.

a. The maximum sign area of such a sign shall be based on the size of the development as follows:

TABLE INSET:

less than five acres	48 square feet
five to 50 acres	64 square feet
more than 50 acres	100 square feet

b. The height of the sign shall not exceed 20 feet.

c. Only one sign shall be permitted for tracts up to five acres. Additional signs shall be permitted for each additional five acres up to a maximum of three signs.

d. No signs shall be placed closer than 500 feet of one another.

e. No sign shall be located within a platted residential subdivision or on a developed nonresidential lot or tract.

f. All signs shall be setback at least 20 feet from the public right-of-way.

g. Permits for off-premise signs shall be for a period of one year from the date of issuance and shall be renewable by the building official for additional one-year periods, until the development is 80 percent sold or leased.

h. No sign may be erected until a record plat has been approved for the project or for the first phase, if a multiphase project.

i. The sign permit fee for off-premise development or project signs initially erected without a permit shall be double the amount set forth in appendix A of this Code.

(6) Model home signs.

Signs identifying model homes, and model home centers, including sales offices, shall be permitted, but are limited to the following conditions:

- a. Model home signs shall be on-premises and only allowed on the lot developed with the model home or on any lot developed with an approved parking lot for such model home.
- b. Only one sign advertising a model home may be permitted per builder or developer in the subdivision.
- c. Model home signs shall not exceed 32 square feet in sign area.
- d. Model home signs shall be limited to a maximum of six feet in height.
- e. All signs shall be set back a minimum of ten feet from the public right-of-way.
- f. No model home sign shall be erected until the final utilities have been approved and released.

(7) Work in progress sign.

No permit shall be required for private signs identifying work in progress. Such signs shall be permitted in any zoning district provided that the signs may be placed 24 hours prior to the commencement of the work and removed within 24 hours after the conclusion of the work and are subject to the following requirements:

- a. The sign area shall not exceed six square feet.
- b. The height of the sign shall not exceed three feet.
- c. Signs shall be limited to one sign per street frontage.

(8) Coming soon or now open signs.

Signs announcing the coming or recent arrival of a new development, facility or place of business shall be allowed on a temporary basis provided that:

- a. Only one such sign shall be permitted for each business.
- b. Such signs shall be for on-premises advertising only.

- c. Such signs shall be limited to a maximum sign area of 20 square feet for buildings less than 50,000 square feet.
- d. The maximum sign area shall be 50 square feet for buildings over 50,000 square feet.
- e. No such sign shall be illuminated in any manner.
- f. No portion of such sign shall extend above or beyond the roof or building to which it is attached.
- g. Such signs shall be allowed for a maximum period of 45 calendar days, after which it must be removed.
- h. Such signs shall be attached to the building about which it is advertising.

(9) Grand opening signs.

Signs announcing the grand opening of a new development, facility or place of business shall be allowed on a temporary basis provided that:

- a. Such signs shall be allowed only one time for each business.
- b. Such signs shall be for on-premises advertising only.
- c. Such signs may include banners, balloons, flags, pennants, streamers or inflatable signs, provided that no such sign shall exceed a height of 35 feet.
- d. No such sign shall be illuminated in any manner.
- e. No portion of any such sign shall be located in the street right-of-way.
- f. No permit for such signs shall be issued more than 90 days after the date of the issuance of the certificate of occupancy. A permit fee shall be charged for each such application as set forth in appendix A of this Code.
- g. Such signs may be displayed for a maximum of 30 calendar days, after which they must be removed.

(10) Now hiring signs.

Signs announcing the employment opportunity for the recent arrival of a new development, facility or place of business shall be allowed on a temporary basis provided that:

- a. Such signs shall be allowed only one time for each business.
- b. Such signs shall be for on-premises advertising only.
- c. Such signs shall be limited to a maximum sign area of 20 square feet for buildings less than 50,000 square feet.
- d. The maximum sign area shall be 50 square feet for buildings over 50,000 square feet.
- e. No such sign shall be illuminated in any manner.
- f. No portion of such sign shall extend above or beyond the roof or building to which it is attached.
- g. Such sign shall be allowed for a maximum period of 45 calendar days, after which it must be removed.
- h. Such sign shall be attached to the building about which it is advertising.
- i. No permit for such signs shall be issued more than 30 days after the date of the issuance of the certificate of occupancy.

(11) Change of business/ownership.

A temporary sign advertising a new business/ownership of an existing building while a new sign is being made shall be permitted subject to the following:

- a. Only one such sign shall be permitted for each business.
- b. Such signs shall be for on-premises advertising only.
- c. Such signs shall be limited to a maximum sign area of 20 square feet.
- d. No such sign shall be illuminated in any manner.

- e. No portion of such sign shall extend above or beyond the roof or building to which it is attached.
- f. Such signs shall be allowed for a maximum period of 45 calendar days, after which it must be removed.

(12) Gasoline price signs.

No permit shall be required for temporary gasoline price or credit card signs placed on pump islands. Such signs are subject to the following requirements:

- a. Only one sign per pump island shall be allowed.
- b. The maximum total sign area of any single sign shall not exceed four square feet.

(13) Informational zoning or land use plan change signs.

No permit shall be required for temporary informational signs required to be installed by applicants for a change to the comprehensive master plan land use category or zoning on a parcel of land pursuant to section 78-152. Such signs shall be authorized according to the provisions of that section.

**Division 3. Other Miscellaneous Signs.**

**Sec. 86-101. Official signs.**

No permit shall be required for any permanent or temporary sign, notice, marker or symbol required or authorized by the local, state or federal government or a governmental agency shall be permitted as required or authorized in any zoning district classification within the town. Such signs shall include, but not necessarily be limited to:

- (1) Traffic control signs required by any governmental agency designed and erected under specifications set forth by the manual on uniform traffic control devices.
- (2) Signs identifying public or private utility lines or easements.
- (3) Air traffic control signs required by the federal aviation administration.
- (4) Any sign or public notice required by any governmental agency or court of law.

**Sec. 86-102. Personal or incidental use signs.**

No permit shall be required for any signs for personal or individual use to identify the sale of personal property or advertise garage, yard or estate

sales and/or incidental private signs identifying private ownership or a danger to the public. Such signs shall be subject to the following.

- (1) Such signs may not be placed so as to impair the corner visibility of intersections of streets, driveways and alleys pursuant to section 82-161.
- (2) Such signs shall not be placed within the public right-of-way.
- (3) Such signs shall not be placed on public property including but not limited to parks, public facilities and public open spaces.
- (4) The sign area shall not exceed six square feet.
- (5) The height of such signs shall not exceed three feet.
- (6) All such signs must be placed on private property only.
- (7) Only one sign for every 50 feet of lineal frontage of private property shall be permitted.
- (8) Such signs shall not be affixed to utility poles or official signs.
- (9) For garage, yard or estate sales, such signs may be placed 24 hours prior to the sale and must be removed within 24 hours after the conclusion of the sale.

**Sec. 86-103. Memorial signs.**

No permit shall be required for memorial signs, markers, plates, plaques, etc., when deemed an integral part of a structure, building or landscape.

**Sec. 86-104. Flags.**

No permit shall be required for public and/or private flag poles for the public display of a state, national, local, religious, institutional flag or emblem or a registered corporate logo not exceeding a height of 25 feet in residential zoning districts and 40 feet in nonresidential zoning property.

**Sec. 86-105. Holiday decorations.**

No permit shall be required for signs or materials displayed in a temporary manner on or prior to traditional civic, patriotic or religious holidays.

**Sec. 86-106. Political signs.**

No permit shall be required for signs supporting, encouraging or identifying any candidate, proposed amendment or bond proposal in an upcoming election. Such signs shall be subject to the following requirements:

- (1) The candidate, his campaign treasurer or assistant campaign treasurer or the campaign treasurer of a political committee shall be responsible for the erection and removal of the political signs or advertisements and for compliance with the provisions of this chapter and the laws of the state.
- (2) Notwithstanding any provision herein to the contrary, an exception shall be made to the time, placement, and location of political signs at an officially designated polling place, as that term is defined and enforced under state law, as follows:
  - a. Said signs may be placed on public property designated as an official polling place on election day.
  - b. Said signs may be posted not more than 12 hours preceding the designated time for the opening of the polls and must be removed not more than 12 hours after the designated time for closing of the polls. Signs may be posted not more than 12 hours preceding the designated time for the opening of the polls for early voting, and must be removed not more than 12 hours after the designated time for closing the polls on the last day of early voting.
  - c. Any such placement shall be in accordance with state law limitations.
  - d. Election day shall be as defined by state law and/or town ordinance for a particular election.
- (3) Political signs shall not be illuminated in any manner.
- (4) Political signs shall not have any moving elements.

**Sec. 86-107. Public announcement signs.**

A sign or notice posted to announce public information concerning, bazaars, rallies, or other similar activities sponsored by charitable, religious, philanthropic, educational or civic institutions shall be allowed as temporary signs provided that:

- (1) Such signs shall be allowed up to 30 days prior to such event, but shall be removed within two days after the scheduled event.
- (2) All signs shall be on-premises only.
- (3) The sign area shall not exceed 36 square feet.
- (4) The height of such signs shall not exceed eight feet.
- (5) The town is excepted from the requirements of this section.

**Sec. 86-108. Single-family and duplex lots.**

Each lot developed with a single-family detached or attached dwelling unit or a duplex shall be permitted one wall sign to identify the family name, property name or street address not to exceed three square feet in area for lots less than one acre and not to exceed six square feet for lots one acre and larger.

**Sec. 86-109. Residential Subdivision Wall Signs.**

No permit shall be required for residential subdivision wall signs. Such signs must be approved by the Planning and Zoning Commission and Town Council in conjunction with approval of the record plat for the subdivision.

**SECTION 3**

This Ordinance shall be cumulative of all provisions of ordinances of the Town of Flower Mound, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 4**

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 5**

Any person, firm, or corporation who violates any provision of this Ordinance as adopted by the Town Council of the Town of Flower Mound shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-13 of the Code of Ordinances of the Town of Flower Mound. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

**SECTION 6**

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Flower Mound, Texas.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF \_\_\_\_ TO \_\_\_\_, ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

APPROVED:

\_\_\_\_\_  
Melissa D. Northern, MAYOR

ATTEST:

\_\_\_\_\_  
Theresa Fawcett, INTERIM TOWN SECRETARY

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Terrence S. Welch, TOWN ATTORNEY