

## ORDINANCE NO. 3086

**AN ORDINANCE AMENDING SECTIONS 106-2, 106-3(12)c, 106-9, 106-12 AND TABLE 2 OF APPENDIX A OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES AND ESTABLISHING REGULATIONS FOR DIGITAL SIGNS AND THEIR PERMITTED LOCATIONS, ESTABLISHING CHARGES FOR PERMITS FOR DIGITAL SIGNS, ESTABLISHING A PENALTY FOR VIOLATIONS AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, city staff has recommended amendments to the City's sign regulations permitting digital billboards with restrictions in certain areas of the city with restrictions on their displays; and,

**WHEREAS**, such proposed regulations appear to the City Council to be well designed to reduce unsightly billboards while allowing reasonable advertising activities within the city; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS:**

Section 1: Section 106-2 of the North Richland Hills Code of Ordinances is hereby amended by adding thereto the following definitions:

*"Digital Billboard* means an off-premise sign, display or device, which changes the static message or copy by electronic means. The sign must be operated by an entity possessing an outdoor advertising license issued by the Texas Department of Transportation (TXDOT)

*Electronic message board* means a sign utilizing a fixed light source to provide a message in text, pictures or symbols. Electronic message boards shall not appear to move or appear as an on/off message."

Section 2: Section 106-3(12)c of the North Richland Hills Code of Ordinances is hereby amended to read as follows:

"c. Maximum pole and electronic message board sign area: The maximum size of a pole sign or electronic message board sign located within the freeway overlay zone shall be two square feet of sign area for each linear foot of freeway frontage up to a maximum of 400 square feet. Electronic message boards may not contain displays which reproduce a sense of motion that may cause an undue distraction to motorists, and may not change displays or flash at frequencies more than once every eight seconds. Lettering or images that blink, flash, fly or chase into view of the electronic display shall be prohibited."

Section 3: Section 106-9 of the North Richland Hills Code of Ordinances is hereby amended to read as follows:

**Sec. 106-9. Table of permitted signs.**

The table of permitted signs, included in this section, presents the zoning districts where the locations of signs shall be allowed or prohibited by the regulations of this chapter. Signs are listed in accordance with allowable zoning districts shown in italics, and zoning districts where certain signs are prohibited shown as blank areas.

**TABLE INSET:**

			Residential Districts											Nonresidential Districts									
TABLE OF PERMITTED SIGNS	Yes or No	Section # Permit Required	R1S	R1	R2	R3	R4D	R6T	R8	R-7-MF	MH-1	TC, RI-PD, TOD <sup>8</sup>	O1	LR & NS	C1 & CS	C2 & HC	OC	I-1	I-2	U	AG		
	A. Ground Signs 13A																						
	Electronic Message Board <sup>4</sup>	Y														•	•	•	•	•			
	Major Development Sign	Y	3										•	•	•	•	•	•	•	•			
	Monument Sign	Y	2	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•		
	Pole Sign <sup>6</sup>	Y											•	•	•	•	•	•	•	•	•		
	Digital Billboard <sup>7</sup>	Y	6										•	•	•	•	•	•	•	•	•		
	Subdivision Nameplate Sign	Y	4	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•		
	Menu Board Sign	Y	1												•	•	•	•	•	•			
	Traffic Directional Sign	N	5								•	•		•	•	•	•	•	•	•	•		
B. Building Signs 13B																							
Canopy Sign	Y	2											•	•	•	•	•	•	•	•			
Projection Sign	Y	3											•	•	•	•	•	•	•	•	•		
Wall Sign <sup>1</sup>	Y	1								•	•		•	•	•	•	•	•	•	•	•		

			Residential Districts										Nonresidential Districts									
TABLE OF PERMITTED SIGNS Continued	Permit Required	Section #	R1S	R1	R2	R3	R4D	R6T	R8	R-7-MF	MH-1	TC & RI-PD	O1	LR & NS	C1 & CS	C2 & HC	OC	I-1	I-2	U	AG	
	Yes or No																					
	C. Temporary Signs 13C																					
	New Development Sign	Y	1	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
	Banner Sign	Y	7								.	.		.	.	.	.	.	.	.	.	
	Construction Trade Sign	N	8	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
	Flags <sup>2</sup>	N	11	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
	Garage Sale Sign	N	5	.	.	.	.	.	.	.	.	.	.									
	Grand Opening Sign	N/Y	10										.	.	.	.	.	.	.	.	.	
	Light Pole Banner Sign	Y	12	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
	Political Sign <sup>3</sup>	N	6	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Portable Sign <sup>5</sup>	Y	3	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
Real Estate Sign	N	4	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	
Weekend Advertising Sign	Y	9	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	

<sup>1</sup> Multifamily allowed one wall sign per street frontage.

<sup>2</sup> Company logo flags not allowed in AG, R-1-S, R-1, R-2, R-3, R-4-D, R-6-T, R-8, & MH-1 districts.

<sup>3</sup> Political signs are regulated as either "AG & R" district signs or "all other district" signs.

<sup>4</sup> Electronic message boards allowed outside the freeway overlay zone have additional restrictions than electronic message boards allowed within the freeway overlay zone.

<sup>5</sup> See additional restrictions under the portable sign regulations.

<sup>6</sup> Pole signs located in these districts must be located within the boundaries of the freeway overlay zone per section 106-3(12). Pole signs located outside the freeway overlay district are prohibited unless part of a major development per section 106-13(3)a.

<sup>7</sup> Digital billboards may only replace existing legal non-conforming off-premise billboards located on lots having frontage on U.S. Interstate Highway Loop 820 and on Texas State Highway 121. Sign Review Board Approval is required per section 106-13(a)(6). New billboards of any kind are not permitted.

<sup>8</sup> Signs located in a TOD zoning district are subject to the requirements of the North Richland Hills Sign Regulations and the Transit Oriented Development Code.

Section 4: Section 106-12 of the North Richland Hills Code of Ordinances is hereby amended to read as follows:

**“Sec. 106-12. Electronic message boards and digital billboards**

(a) **On-premises signs.** Electronic message boards within the freeway overlay zoning district shall be subject to the specific regulations for the freeway overlay zone. Electronic message boards outside the freeway overlay zoning district shall be allowed for fuel pricing which does not change more often than once per hour, as long as they do not flash, blink, scroll, fly or chase into view or create a sense of motion. Other electronic message boards located outside the freeway overlay zoning district shall be allowed only in the Institutional (U) zoning district. Electronic message boards in the Institutional (U) district shall be subject to the following restrictions:

- (1) Only monument signs shall contain an electronic message board.
- (2) Monument signs containing an electronic message board shall be subject to the limitations of subsection 106-13(a)(2)c. of this chapter.
- (3) Electronic message boards shall not exceed 2/3 of the sign message area.
- (4) Electronic message boards shall display only low intensity amber lighting with a black background and shall not flash, blink, scroll fly or chase into view or create a sense of motion. Such boards shall contain only static displays and shall not change displays more frequently than once each 8 seconds.

(b) **Digital Billboards.** With approval by the Sign Review Board as described in section 106-15, existing legal non-conforming off-premise billboard signs located on lots having frontage on U.S. Interstate Highway Loop 820 and Texas State Highway 121 may be converted to digital billboards under the following conditions:

- 1) Each message shall be displayed for at least eight seconds and a change of message shall be accomplished within two seconds or less.
- 2) Transitions between the display of a message, content, and/or image shall be immediate only and shall occur simultaneously on the entire sign face.
- 3) No display shall include animation, full motion video, blinking, flashing, dissolving or fading images, moving light, scrolling images or text, nor shall it project a static image upon a stationary object.
- 4) The display of message, content, and/or image shall be visible only from one direction of traffic travel per sign.
- 5) No portion of a digital billboard shall project into a dedicated utility easement or be closer than five (5) feet to a federal, state, or local right-of-way

- 6) The main support structure shall have a decorative finish consisting of brick, stone, or other approved masonry finish materials. The use of EIFS shall not constitute an approved finish material.
- 7) A minimum spacing of one-thousand five-hundred (1,500) feet shall be required between one digital billboard and any other digital billboard on the same side of the roadway.
- 8) A digital billboard shall incorporate a default system that will automatically freeze (remain static) a single message on the display should it malfunction or become damaged.
- 9) The display may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver.
- 10) A digital billboard shall be equipped with both a dimmer control and a photocell, which automatically adjusts the display's intensity according to natural ambient light conditions. The brightness of the display shall not exceed 0.3 foot-candles over ambient light conditions at a distance of 250 feet from the sign.
- 11) The City of North Richland Hills, through appropriate personnel, may exercise its police powers to protect public health, safety, and welfare by requiring emergency information to be displayed via digital signs. Upon notification, the sign operators shall coordinate with city staff to display emergency information critical to the traveling public, such as AMBER ALERTS from a National Center for Missing and Exploited Children (NCMEC) authorized source, Homeland Security, and other alerts involving terrorist attacks, and natural disasters. Emergency messages are to remain in the display's rotation according to the designated issuing agency's protocols.
- 12) The owner of a digital billboard shall provide contact information for a person who is available to be contacted at any time and is able to turn off the sign promptly after malfunction occurs or reduce the intensity of the sign within 12 hours of a request by the building official or the Texas Department of Transportation to a level acceptable to the city and/or department.
- 13) A digital billboard or its message, content and/or image shall not be configured to resemble a warning or danger signal or cause a driver to mistake it for a warning or danger signal.
- 14) A digital billboard or its message, content and/or image shall not resemble or simulate any lights of official signage used to control traffic in accordance with the currently

adopted edition of the TXDOT manual on Uniform Traffic Control Devices.

- 15) A digital billboard shall not:
  - a. Exceed 672 feet in total display area.
  - b. A digital billboard shall not exceed an overall height of 42 1/2 feet, measured from the highest point of the sign to the grade level of the centerline of the main-traveled way closest to the sign, at a point perpendicular to the sign location. The lowest point of the sign shall have a minimum clearance of at least 20 feet above the adjacent grade.
  - c. Be located within 300 feet of a residential zoning line.
  - d. Be located within 1,000 feet from a roadway exchange.
  - e. Be provided electrical service via overhead utility lines.
  - f. Be located within a 200 foot radius from any freestanding general business sign or wall sign.
- 16) In cases where a conventional billboard is converted to a digital billboard of larger size, the net area increase of the proposed digital billboard display must be physically removed from other conventional billboards located within the city and under the same ownership or control as the owner proposing the conversion. Once an inventory of all billboards within the city is submitted, the owner may choose which specific conventional billboard face(s) are to be removed in exchange for the net area increase caused by the digital sign conversion. The square footage can be accumulated by the surrendering of smaller conventional billboard face(s) as long as the aggregate amount removed equals or exceeds the area increase caused by the conversion."

Section 5: Table 2 of Appendix A of the North Richland Hills Code of Ordinances is hereby amended by adding thereto the following:

<i>Signs Permit Fees</i>		
9.	Digital Billboard Conversion of legal non-conforming billboard	1,500.00
	Digital Billboard – Annual	200.00

Section 6: Violations of this ordinance shall constitute a misdemeanor punishable by a fine of up to \$500.00 per day. Each and every day any such violation shall continue or be repeated shall constitute a separate offense punishable hereunder.

Section 7: The city secretary is authorized to cause the descriptive caption and penalty clauses of this ordinance published as provided by law.

**PASSED AND APPROVED** on this the 8th day of February, 2010.

**CITY OF NORTH RICHLAND HILLS**

By: \_\_\_\_\_  
Oscar Trevino, Mayor

**ATTEST:**

\_\_\_\_\_  
Patricia Hutson, City Secretary

**APPROVED AS TO FORM AND LEGALITY:**

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George A. Staples, City Attorney

**APPROVED AS TO CONTENT:**

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John Pitstick, Planning & Development Director