

ORDINANCE NO. ORD-2010-9216

AN ORDINANCE AMENDING CHAPTER 7 “BILLBOARDS AND SIGNS” OF THE CODE OF CIVIL AND CRIMINAL ORDINANCES OF THE CITY OF IRVING, TEXAS; PROVIDING PENALTY, SAVINGS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, amendments of Chapter 7 are needed to be more consistent and support vital and vibrant neighborhoods throughout the city;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That Section 7-1 “Definitions” of Chapter 7 “Billboards and Signs” of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended by deleting the definitions of “Convenience store” and “Convenience goods.”

SECTION 2. That subsection (3) of Section 7-2 “General Provisions” of Chapter 7 “Billboards and Signs” of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended to read as follows:

- (3) Each sign shall be professionally manufactured, contain unified graphics and architecturally complement the building of the business it advertises, in accordance with sign design guidelines adopted as Appendix A. Hand painted signs are prohibited. All weather materials shall be used. Except for temporary signs described in Section 7-11 and directional signs, plywood and materials similar to plywood are prohibited.

SECTION 3. That subsection (2) of Section 7-3 “Special Provisions” of Chapter 7 “Billboards and Signs” of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended to read as follows:

- (2) *Banner signs* shall:
  - a. Be ground mounted such that it is set back at least twenty-five (25) feet;
  - b. Be limited to only one (1) sign per each building for a special event, as defined in 7-3(15). A building with street frontage in excess of three hundred (300) feet may have an additional banner sign to a maximum of two banners on that street frontage;
  - c. Not impede any door, window, exit, or pedestrian traffic on public or private walkways;
  - d. Be maintained in good condition;
  - e. Not be sagging, tattered, torn, dirty, or faded;
  - f. Be removed from the property upon vacation of the building and/or business which is advertised by the sign;
  - g. Not exceed seventy (70) square feet in area; and

- h. Not be installed upon a fence.

SECTION 4. That subsection (9) of Section 7-3 “Special Provisions” of Chapter 7 “Billboards and Signs” of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended to read as follows:

- (9) *Pole signs shall:*
  - a. Be allowed only on lots abutting Interstate Highway 635, State Highway Loop 12, State Highway 114, and State Highway 183 in accordance with the requirements of this chapter;
  - b. Not exceed the following heights and areas:
    - 1. **Maximum height:** thirty-five (35) feet, measured from the grade of the curb adjacent to the highway right of way. The sign must be located adjacent to a highway.
    - 2. **Maximum area:** one hundred fifty (150) square feet. The sign must be located adjacent to a highway;
  - c. Provide a minimum of nine (9) feet clearance between the bottom edge of the structure and the grade below when installed over a parking or walking surface;
  - d. Be set back with the leading edge of the sign at least twenty (20) feet from the right-of-way or comply with the setback requirements of this chapter or chapter 33A, whichever is the most restrictive;
  - e. Be a minimum of fifty (50) feet from any other pole sign or monument sign; and
  - f. Be limited to no more than one pole sign, for each-platted lot or tract of land abutting Interstate Highway 635, State Highway Loop 12, State Highway 114, and State Highway 183.

SECTION 5. That subsection (10) of Section 7-3 “Special Provisions” of Chapter 7 “Billboards and Signs” of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended to read as follows:

- (10) *Vertical-banner signs shall be allowed only for a special event as provided in section 7-3(15) and shall:*
  - a. Not have an envelope that exceeds eight (8) feet vertically by thirty-five (35) inches horizontally with a sleeve at the top and bottom;
  - b. Have the bottom edge of the banner no closer than eight and one-half (8 1/2) feet from the surface below it;
  - c. Be maintained in good condition; and
  - d. Not be sagging, tattered, torn, dirty, or faded.

SECTION 6. That subsection (14) of Section 7-3 “Special Provisions” of Chapter 7 “Billboards and Signs” of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended to read as follows:

- (14) *Wall signs (including window, luminous gaseous tubing, awning, canopy and projecting signs):*
- a. Shall not have the exposed face more than twelve (12) inches from the wall, canopy, mansard, marquee, or wall of the building. It is an affirmative defense to this subsection that the wall sign is an electric wall sign which projects not more than eighteen (18) inches from the wall;
  - b. Shall not extend above or beyond the parallel face of the wall to which the sign is attached;
  - c. All wall signs of any character, in aggregate area, shall not exceed twenty-five (25) percent of the area of the largest façade of the building or lease space. The area of vehicle bay doors shall be excluded from the calculation of the area of the largest façade; and
  - d. Shall be limited to the walls of the tenant space or business that it advertises.

SECTION 7. That subsection (15) of Section 7-3 “Special Provisions” of Chapter 7 “Billboards and Signs” of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended to read as follows:

- (15) *Special event signs:* The purpose of special event permits is to allow a business two times a year to benefit from special advertising signs which are not usually permitted by the provisions of chapter 7. A special event includes, but is not limited to, a grand opening for a new business or a business that has substantially remodeled. The special event sign permit is limited to the address noted on the certificate of occupancy. A business may apply for a 14 day special event sign permit two times per year.

SECTION 8. That Section 7-3 “Special Provisions” of Chapter 7 “Billboards and Signs” of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended to add a new subsection (19) to read as follows:

- (19) *Luminous gaseous tubing sign* that is visible from a public right-of-way:
- a. Shall not flash, blink or maintain movement;
  - b. Shall not exceed 25% of the area of an window; and
  - c. Shall be considered a wall sign for the purpose of calculating the 25% area limitation in Section 7-3(14).

SECTION 9. That subsection (16) of Section 7-4 “Prohibited Signs” of Chapter 7 “Billboards and Signs” of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended to read as follows:

- (16) Pennants or streamers.

SECTION 10. That subsection (18) of Section 7-4 “Prohibited Signs” of Chapter 7 “Billboards and Signs” of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended to read as follows:

- (18) Banners except as authorized for special events as provided in section 7-3(15);

SECTION 11. That Section 7-5 “Nonconforming Signs” of Chapter 7 “Billboards and Signs” of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended to read as follows:

- a. It is the declared purpose of this chapter that in time all privately owned signs shall come to conform to the provisions of this chapter or be removed.
- b. A sign or flag that does not conform to these standards and that existed lawfully on the date it was constructed shall be deemed a nonconforming sign.
- c. The privilege to continue a nonconforming sign shall cease and such sign shall be removed whenever any of the following occur:
  - - (1) For signs other than pole signs, a certificate of occupancy for a change of owner, occupant, tenant, business or business name is issued and a sign is associated with the previous holder of the certificate of occupancy;
    - (2) For any pole signs that exceed thirty-five (35) feet in height on which a new face is being constructed, the sign shall comply immediately with the height requirements of this chapter;
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    - (3) For any pole signs that exceed the height, area, and setback requirements of Section 7-3(9) on which a new frame is being installed, the sign shall comply immediately with the height, area, and setback requirements of this chapter;
    - (4) A change of occupancy classification occurs as described in the building code and a sign is associated with the prior classification;
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    - (5) A sign is altered, including structural repair that extends the life of the sign, moved or relocated;
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    - (6) A sign is damaged and the cost to repair exceeds 60 percent of the replacement cost on the date of damage;
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    - (7) A sign leans such that an angle between the sign and the ground is 70° or less; or
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    - (8) A sign has fallen onto the ground.

- d. The privilege to continue a nonconforming window sign, banner, pennants, and streamers shall cease and such sign shall be brought into compliance with this chapter or removed no later than August 1, 2009.
- e. The owner of a non-conforming sign identified in sections 7-5d may, prior to the compliance date, appeal to the Director for a later compliance date. If based upon the evidence presented by the owner, the Director finds that additional time is needed to recoup the owner's actual investment in the sign before the sign became nonconforming, the Director shall grant the request for extension and establish a new compliance date consistent with his determination of a reasonable amortization period.
- f. Signs erected prior to January 1, 1976, shall be brought into compliance with this chapter prior to January 1, 2006.
- g. Compensation for signs required to be modified or reconstructed shall be governed by Chapter 216, Local Government Code and this section.
  - (1) There is established a sign control board, the members of which shall be appointed by the mayor. The board shall consist of the following, who will serve two (2) year terms:
    - a. Two (2) real estate appraisers, each of whom must be a member in good standing of a nationally recognized professional appraiser society or trade organization that has an established code of ethics, educational program and professional certification program;
    - b. One (1) person engaged in the sign business in the City of Irving;
    - c. One (1) employee of the Texas Department of Transportation who is familiar with real estate valuations in eminent domain proceedings; and
    - d. One (1) architect or landscape architect licensed by the state.
  - (2) The sign control board shall determine the amount of compensation to which the owner of a sign that is to be reconstructed is entitled. This determination shall be after notice and hearing.
  - (3) Compensable costs for a sign required to be reconstructed shall be those set out in Chapter 216, Local Government Code.
  - (4) The method of compensation shall be by tax abatement only and in the manner set forth and prescribed in Section 216.010(b) Local Government Code.
  - (5) There shall be no compensation given for the reconstruction of any sign not required by the director to be brought into compliance with this chapter. However, the owner of a sign who would be entitled to compensation under the terms of this chapter, should compliance be required by the director, may, upon prior notice to the director, bring such sign into compliance with this chapter, in the manner required by this chapter, and have compensation established by the sign control board as provided by this chapter.

SECTION 12. That subsection (d) of Section 7-12 “Permits required, expiration, and suspension or revocation” of Chapter 7 “Billboards and Signs” of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended to read as follows:

- (d) Only a contractor licensed under Section 7-13 may obtain a sign permit if electrical or structural work is required for work described in subsections (a), (b), and (c) of this section. The applicant shall first file an application in writing on a form furnished by the director. All information required by the director must be provided and in addition every such application shall comply with the following:
  - (1) Identify and describe the work to be covered by the permit for which application is made;
  - (2) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed sign;
  - (3) If it is for a pole sign, a marquee, mansard, or projecting sign, be accompanied by plans, diagrams, specifications and computations sealed by a State of Texas licensed engineer or architect as required by the director and this chapter and other data and information as may be required by the director;
  - (4) Include the approximate date the sign will be erected, a drawing showing its prospective location and, if a banner sign, the date it will be removed; and
  - (5) Each sign situated within fifteen (15) feet of a public right-of-way, or within a sight easement or within a triangular area formed by the intersection of the adjacent street right-of-way lines in each direction and a line drawn between the points on each of those lines thirty-five (35) feet from the point at which they intersect shall be accompanied by plans showing absence of vehicle and pedestrian sight obstructions, and other information as may be required by the director of traffic and transportation.

SECTION 13. That Section 7-18 “Fee Schedule” of Chapter 7 “Billboards and Signs” of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended to read as follows:

Sign permit fees are as follows:

Type	Install	Reface	Annual
Billboards	\$	\$	\$100.00
Message center	200.00		
Special Event (Banners)	35.00		
All other types up to 50 square feet	50.00	35.00	
All other types 51 to 100 square feet	100.00	50.00	
All other types 10 to 400 square feet	150.00	75.00	

SECTION 14. That save and except as amended by this ordinance, the provisions of Chapter 7 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, shall remain in full force and effect.

SECTION 15. That terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

SECTION 16. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 17. Any person violating or failing to comply with any provision of this chapter shall be fined upon conviction not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00). Each day any violation of any provision of this chapter continues constitutes a separate offense.

SECTION 18. That this ordinance shall be effective on and after December 1, 2010.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS, on October \_\_\_\_, 2010.

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HERBERT A. GEARS  
MAYOR

ATTEST:

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Shanae Jennings  
Acting City Secretary

APPROVED AS TO FORM:

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Charles R. Anderson  
City Attorney

