

ORDINANCE NO. 2005-11-14

AN ORDINANCE OF THE CITY OF PLANO, TEXAS AMENDING CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS OF THE CITY OF PLANO CODE OF ORDINANCES, BY ADDING ARTICLE XII, TEMPORARY SIGNS, PROVIDING TEMPORARY SIGNS REGULATIONS AND DEFINITIONS; PROVIDING A PENALTY CLAUSE; A SEVERABILITY CLAUSE; A REPEALING CLAUSE; A PUBLICATION CLAUSE; AND AN EFFECTIVE DATE.

**WHEREAS**, the City Council has enacted regulations regarding temporary signs in the City of Plano, which regulations are now part of the Comprehensive Zoning Ordinance of the City of Plano; and

**WHEREAS**, to allow enforcement by the Building Official, or his respective designee(s), any peace officer, and any code enforcement officer, the City Council must add temporary signs regulations to Chapter 6 of the City Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano is hereby amended by adding Article XII to read in its entirety as follows:

**"ARTICLE XII. TEMPORARY SIGNS**

**DIVISION 1. DEFINITIONS**

**Sec. 6-486. Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Banner* means a temporary sign made of cloth, canvas, or other light fabric.

*Dilapidated or Deteriorated Condition* means:

- (1) Where elements of the surface or background have portions of the finished material missing, broken, or otherwise existing such that they are illegible.
- (2) Where the structural support or frame members are visibly bent, broken, dented, or torn.
- (3) Where the panel is visibly cracked or, in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition.
- (4) Where the sign or its elements are twisted, leaning, or at angles other than those at which it was originally erected (such as may result from being blown or the failure of a structural support).
- (5) Where the message or wording can no longer be clearly read.
- (6) Where the sign or its elements are not in compliance with the requirements of the current Electrical Code and/or the Building Code of the City of Plano.

*Public right-of-way* means the surface of, and the space above and below a public street, road, highway, freeway, land, path, public way or place, alley, court, boulevard, parkway, drive, or other easement now or hereafter held by or under the control of the city to which the city holds the property rights. The term is synonymous with "street," "public way," and "right-of-way." Private property does not include the area that is between the curb and outside edge of the sidewalk.

*Sign* means any device conveying either commercial or noncommercial messages or both commercial and noncommercial messages for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public but not including any lawful display of merchandise. The term "sign" shall also mean and include any display of one or more of the following:

- (1) Any letter, numeral, figure, emblem, picture, outline, character, spectacle delineation, announcement, trademark, or logo.
- (2) Multicolored bands, stripes, patterns, outlines, or delineations displayed for the purpose of commercial identification.
- (3) Anything specified above in part or in combination by any means whereby the same are made visible from beyond the boundaries of the lot or parcel of property on which the same are displayed for the purpose of attracting attention outdoors to make anything known.

*Sign – A-frame/Sandwich Board* means self-supporting A-shaped sign with two visible sides that is situated on or adjacent to a sidewalk.

*Sign – Amenity* means any sign advertising options, features, or conveniences offered by a business and installed in a manner which is temporary as defined by this ordinance.

*Sign – Development/Construction* means any onsite temporary sign pertaining to the development of land or construction of buildings and/or the identity of a developer or any related party, for such building or land.

*Sign – Freestanding* means an onsite sign or three-dimensional representation of a figure or object not attached to any building, supported by uprights, braces or some other approved support, which is capable of withstanding the stress from weight and wind load.

*Sign – Garage Sale* means any sign advertising the sale of personal household goods in a residential zoning district or on the property of a nonprofit organization for which a garage sale permit has been issued.

*Sign – Model Home* means any sign identifying a new home, either furnished or unfurnished, as being a builder's or contractor's model open to the public for inspection.

*Sign – Noncommercial* means any sign used for a noncommercial purpose.

*Sign – Political* means any sign relating to a particular candidate for a partisan or nonpartisan office, or to a political proposition or measure.

*Sign – Portable* means any sign that is not permanently attached to or affixed to the ground, a building, an object, or other fixed structure. This term specifically includes an advertising display affixed to or installed on a vehicle or other mobile unit, such as trailer, wheel, or skid.

*Sign – Promotional* means any temporary advertising items used to promote a business. Such items include banners, flags, pennants, streamers, balloons, inflatable signs, and any legal sign allowed by this ordinance.

*Sign – Real Estate* means any onsite temporary sign pertaining to the sale or rental of property and advertising property only for the use for which it is legally zoned.

*Sign – Sandwich Board* See Sign – A-frame.

*Sign – Special Event* means signage allowed in conjunction with a Special Event Permit.

*Sign – Temporary* means any sign used to display information relating to a land use or event of limited duration which is not rigidly and permanently installed in the ground, attached to a building, or as identified in this ordinance.

*Sign – Temporary Directional* means any temporary sign used to direct potential customers to a legal business location within the city limits of Plano.

*Sign – Setback* means the horizontal distance between a sign and the front or side property line, as measured from that part of the sign, including its extremities and supports nearest to any point on any imaginary vertical plane projecting vertically from the front or side property line.

## DIVISION 2. PROHIBITED SIGNS

### Sec. 6-487. Prohibited Signs

Except as otherwise expressly allowed by this ordinance, the following signs and conditions are prohibited:

- (a) Signs displaying materials determined to be obscene by a court of law or prohibited by law, subject to the appeal and judicial review proceedings provided for in Subsection 3.1601.9.f of the Comprehensive Zoning Ordinance.
- (b) Signs placed in any location which by reason of their location will obstruct the view of any authorized traffic sign, signal, or other traffic control device by vehicular or pedestrian traffic. No sign shall be erected which, by reason of shape, color, size, design, or position, would be reasonably likely to create confusion with, to be confused as, or to interfere with any traffic signal or device which is authorized by the appropriate state or local government authorities. Further, no sign shall be placed in a location that will obstruct vision of a vehicle operator while entering, exiting, or traveling upon the public right-of-way.
- (c) Signs placed so as to prevent or inhibit free ingress to or egress from any door, window, or any exit way required by the Building Code of the City of Plano or by Fire Department regulations.
- (d) Portable signs, including those on vehicles where the intent is to use the vehicle as advertising. This provision does not restrict identification signs on vehicles or other signs attached to vehicles, which are legally licensed and operated upon public streets.

- (e) A-frame and sandwich board signs except where allowed in a zoning district.
- (f) Signs that are animated by any means not providing constant illumination, except time and temperature units. Signs which rotate or emit audible sound or visible matter. No sign shall be illuminated to such intensity or in such a manner so as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance to vehicular traffic, pedestrians, or adjacent properties.
- (g) Signs located on public property including, but not limited to, signs attached to any public utility pole or structure, street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property.
- (h) Balloons, flags, pennants, or other floating or inflatable signs or devices anchored to the ground or to any other structure, except, as allowed under the provisions of this article.
- (i) Roof signs.
- (j) Temporary signs except as allowed by this article.
- (k) Amenity signs.
- (l) Billboard signs.
- (m) Signs attached to a standpipe or fire escape.
- (n) Signs erected on or over public property or in the right-of-way of any thoroughfare within the City of Plano, unless the same is erected by the city or with the permission of the city for public purposes. (Exception: Signs located in the Downtown Business/Government district may be erected over the public sidewalk provided the sign projects no more than the width of the sidewalk minus one foot and provided the clearance between the bottom of the sign and the sidewalk below is a minimum of seven feet.)
- (o) No person shall attach any sign, paper, or other material, or paint, stencil, or write any name, number (except house numbers), or otherwise mark on any sidewalk, curb, gutter, street, utility pole, public building, or structure, except as otherwise allowed by this ordinance.

- (p) No person shall place on or suspend from any building, light fixture, pole structure, sidewalk, parkway, driveway, or parking area any goods, wares, merchandise, or other advertising object or structure for the purchase of advertising such items other than a sign, as defined, regulated, and prescribed by this ordinance, except as otherwise allowed by this ordinance.
- (q) It shall be unlawful for any person to place or cause to be placed any private temporary directional sign(s) within the city of Plano on any public right-of-way of any major or minor thoroughfare (street designated as Type A, B, C, D, E, F, or G in the City of Plano Thoroughfare Plan). The Building Official may impound all signs in violation of this section.
- (r) Searchlights.
- (s) Offsite/Premise signs (except as allowed in Subsection 3.1503.5.i of the City of Plano Comprehensive Zoning Ordinance).

### DIVISION 3. PERMITTED SIGNS

#### **Sec. 6-488. Banners**

A temporary banner is allowed and shall be securely attached to the front or side of a building face. Each business shall be allowed two banner permits per calendar year, and each permit shall be good for a maximum of 30 days. A minimum of 30 days shall be required between each banner permit. Banners shall be kept in good repair and remain firmly anchored or secured. Commercial banners are prohibited in single-family residential districts.

#### **Sec. 6-489. Development/Construction Signs**

Development or construction signs may be erected in nonresidential and residential zoning districts. Such signs shall relate only to the property or subdivision on which they are located and shall not exceed 100 square feet with a maximum height of 20 feet. Required setback shall be 20 feet from the front property line. Each property or subdivision may have one such sign or one for each 50 acres or portion thereof. A development or construction sign shall be removed upon completion of the project or subdivision.

#### **Sec. 6-490. Model Home Signs**

Model home signs may be erected in residential zoning districts and shall not exceed 16 square feet with a maximum height of six feet. Required setback

shall be 50% of the distance between the front property line and the building but no less than then feet from the front property line. Model home signs are limited to one per premise. Each builder in a subdivision may have one model home sign, and the permit for such sign shall be granted for a period of time to coincide with the validity of the model home's Certificate of Occupancy.

#### **Sec. 6-491. Political Signs/Noncommercial Purpose Signs**

Political and noncommercial purpose signs 36 square feet or less are allowed on private property with the consent of the property owner, but are prohibited on public property, including the rights-of-way. Political signs may be placed on private property no earlier and 120 days prior to the election for which the sign is applicable and must be removed not later than the 15<sup>th</sup> day following the election. City personnel may remove and dispose of any sign placed on public property or within the rights-of-way.

#### **Sec. 6-492. Real Estate Signs**

Real estate signs may be erected in nonresidential and residential zoning districts and shall not exceed 32 square feet with a maximum height of 15 feet. Required setback shall be eight feet from front property line, and signs are limited to one per street front. A real estate sign shall be removed upon the sale of the property. Real estate signs advertising the lease of individual units in multifamily districts shall be allowed upon issuance of a Certificate of Occupancy for a period not to exceed one year.

#### **Sec. 6-493. Promotional Signage**

- (a) Promotional signage is allowed for two, two-week periods each calendar year per legal business. A two-week period will commence on the first day promotional signage is displayed. The two, two-week periods shall not occur in the same or consecutive months. A legal business shall include any commercial, industrial, or institutional use for which the Building Inspection Department has issued a Certificate of Occupancy. In the case of a special promotion for a grand opening celebration, one period may be extended to a three-week period provided the promotion commences within the first three months of the date of issuance of a Certificate of Occupancy, and the grand opening is limited to the address noted on the Certificate of Occupancy.
- (b) Promotional signage may include banners, flags, pennants, streamers, balloons, inflatable signs, and any legal signs allowed by this ordinance. Any device described as promotional signage shall not exceed an overall height of 35 feet.

- (c) A separate permit is required for each two-week period promotional signage will be used. If any device described as promotional signage in the above paragraph is installed prior to issuance of a permit, and investigation fee will be assessed in addition to the permit fee.
- (d) Promotional signage shall be contained on the property of the legal business and shall not extend into the city right-of-way. Signage shall not be located in any sight visibility triangle nor shall any combustible materials be placed in contact with lighted signs or any electrical fixtures.

#### **Sec. 6-494. Signage for Temporary/Seasonal Businesses**

Seasonal business signs are reviewed as part of the issuance of a seasonal business permit as set out in Section 11-156 of Chapter 11, Licenses and Building Regulations of this Code, and shall be limited to one of the following:

- (a) A temporary, freestanding sign, maximum 32 square feet in area with an eight foot setback from the front property line.
- (b) An onsite banner, maximum 32 square feet in area with an eight foot setback from the front property line. The banner must be securely installed and be completely mounted on a rigid surface.

#### **Sec. 6-495. Garage Sale Signs**

Garage sale signs may be displayed on private property with the consent of the owner on the day of the sale and shall not exceed a maximum of eight square feet. Private property does not include the area that is between the curb and outside edge of the sidewalk.

#### **Sec. 6-496. Special Event Signage**

Special event signage shall be reviewed as part of the overall Special Event Permit as set out in Section 11-311 of Chapter 11, Licenses and Building Regulations of this Code, and shall be limited to the following:

- (a) Any signage allowed under promotional signage.
- (b) One, maximum 100 square foot sign, maximum height of 15 feet.

- (c) All special event signage shall be limited to the property holding the event.
- (d) The sign shall be allowed up to 14 days prior to the event and shall be removed within 24 hours at the end of the event.

#### DIVISION 4. PERMIT REQUIREMENTS AND EXEMPTIONS

##### **Sec. 6-497. Exempt Signs**

All signs allowed under this article must obtain a permit from the Building Official of the City of Plano unless specifically exempt. The following signs are exempt from the permit requirement; however, such signs shall comply with all other ordinance requirements:

- (a) Signs not exceeding eight square feet in area which advertise the sale, rental, or lease of the premises on which such signs are located.
- (b) Signs not exceeding 16 square feet in area when located upon the premises of a public, charitable, or religious organization.
- (c) Signs located inside a building and which are not displayed so as to be visible from outside the building including, but not limited to, signs located in covered mall buildings.
- (d) Temporary contractor signs not exceeding 16 square feet in area provided they comply with all other requirements of this ordinance.
- (e) Political and noncommercial purpose signs on private property.
- (f) Incidental signs provided they comply with all other requirements of this ordinance.
- (g) Memorial signs or tablets, names of buildings, and date of erection, when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
- (h) Temporary or seasonal sale signage provided that they comply with all other requirements of this ordinance.
- (i) Traffic or street signs, legal notices, railroad crossing signs, danger, and such emergency, temporary or non-advertising signs as approved by the City of Plano.

- (j) Window signs provided all other requirements of the ordinance are met.
- (k) Garage sale signs provided that they comply with all other requirements of this ordinance.
- (l) Copy change only for signs otherwise allowed under this ordinance.
- (m) Nameplates not exceeding one square foot in area.
- (n) Onsite directional signs provided that they comply with all other requirements of this ordinance.
- (o) Occupational signs provided then they comply with all other requirements of this ordinance.
- (p) Flags and flagpoles under 20 feet in height provided that they comply with all other requirements of this ordinance.
- (q) Signage for Special Event Permits shall be reviewed with the Special Events Permits and shall comply with all requirements of this ordinance.
- (r) Sign facings when replaced for the same business.
- (s) Replacement of letters on non-illuminated wall signs with identical letters (same shape and size).

#### DIVISION 5. VIOLATIONS AND ENFORCEMENT

##### **Sec. 6-498. Violations**

- (a) A person is responsible for a violation of this ordinance if the person is:  
(1) the permit holder, owner, agent, or person(s) having the beneficial use of the sign, (2) the owner of the land or structure on which the sign is located, or (3) the person in charge of erecting the sign.
- (b) It shall be unlawful for any person to erect, replace, alter, or relocate any sign within the City of Plano, or cause the same to be done, without first obtaining a permit to do so from the Building Official of the City of Plano, except for those signs exempt from a permit under Section 6-497 of this Article.

- (c) It shall be unlawful for any person to use, maintain, or otherwise allow the continued existence of any sign for which the required permit was not obtained.
- (d) It shall be unlawful for any person to install, construct, or display a prohibited sign, as defined herein, or any sign in violation of the provisions of this ordinance within the City of Plano.
- (e) It shall be unlawful for any person to violate any term or provision of this ordinance.

#### **Sec. 6-499. Enforcement**

- (a) Authority. The Building Official, or his respective designee(s), any peace officer, and any code enforcement officer is hereby authorized to issue a citation and to order the repair or removal of any dilapidated, deteriorated, abandoned, illegal, or prohibited signs from property within the corporate city limits of Plano, in accordance with the enforcement mechanisms set forth in this section.
- (b) Removal of Sign.
  - (1) Signs placed on public or city-owned property within the corporate limits of the City of Plano in violation of the law shall be removed and disposed of immediately without notice to interested parties.
  - (2) The City may remove a sign from private property which the Building Official finds to be an immediate and imminent threat to the public safety because of its dilapidated, deteriorated, or structural condition. If an emergency removal is required, within five (5) business days of the removal, the official shall notify in writing the owner of the sign, if known, and property owner where the sign was found of the grounds for removal. If impounded, the official shall notify in writing the owner of the sign, if known, and property owner of the process for retrieval. Notice to the owner is not a prerequisite to the removal of the sign."

**Section II.** Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(b) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

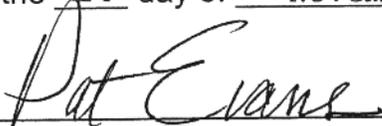
**Section III.** It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

**Section IV.** All provisions of the ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section V.** The repeal of any ordinance or part of ordinances affected by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this ordinance.

**Section VI.** This ordinance shall become effective immediately upon its passage and publication as required by law.

**DULY PASSED AND APPROVED** this the 14 day of November, 2005.

  
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Pat Evans, MAYOR

ATTEST:

  
\_\_\_\_\_  
Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

  
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Diane C. Wetherbee, CITY ATTORNEY