

ORDINANCE NO. 253-2-2013
(Sign Regulations)

AN ORDINANCE OF THE TOWN OF SHADY SHORES, DENTON COUNTY, TEXAS, ESTABLISHING REGULATIONS AND REQUIRMENTS FOR SIGNAGE IN THE TOWN; REGULATING THE NUMBER OF GARAGE SALES PER LOCATION PER YEAR; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Shady Shores has determined its sign regulations should be revised, and established as a separate ordinance from the Comprehensive Zoning Ordinance; and

WHEREAS, the purpose of this ordinance is to establish reasonable regulations for the design, construction, installation, and maintenance of all exterior signs within the town in order to:

A. Balance the right of individuals to convey their messages and the right of the public to be protected against the unrestricted proliferation of signs;

B. Further the objectives of the town's Comprehensive Plan;

C. Protect the public health, safety, and welfare;

D. Reduce traffic hazards;

E. Facilitate the creation of an attractive and harmonious community;

F. Protect property values;

G. Preserve the right of free speech exercised through the use of signs containing noncommercial messages.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES, DENTON COUNTY, TEXAS:

SECTION 1. DEFINITIONS.

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALTER. To change the size, shape or outline, copy, nature of message, intent, or type of sign.

BULLETIN BOARD. A sign containing information where a portion of that information may be periodically changed, provided that the change shall be effected by the replacement or interchange of letters, numbers, or other graphic symbols by insertion, attachment, or similar means. The use of slate, chalkboard, cardboard, or similar material with pencil, chalk, crayon, or similar types of marking is prohibited.

CANOPY. A roof-like structure which extends horizontally more than 1 foot from the face of a building wall and does not have a structural border.

CHIEF BUILDING OFFICIAL. The person designated by the Mayor.

COPY. Logos, characters, symbols, or any other portion of a sign which conveys a message or information.

ERECT. To build, construct, attach, hang, place suspended, or affix, and shall also include the painting of signs on the exterior surface of a building or structure, and also includes the painting or affixing of signs to the exterior or interior surface of windows, and includes signs located interior to a building but readily visible from the exterior.

ILLUMINATED SIGN. Any sign which has characters, letters, figures, designs, or outline illuminated directly or indirectly by electric lights, luminous tubes, or other means.

MONUMENT SIGN. Any sign mounted on a base and which is 5 feet in height or less, with a maximum area of 40 square feet.

ON-PREMISES SIGN. A freestanding sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person, or activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

PROJECTING STRUCTURES. Covered structures of a permanent nature which are constructed of approved building material, specifically excluding canvas or fabric material, and where those structures are an integral part of the main building or permanently attached to a main building and do not extend over public property. **PROJECTING STRUCTURES** include marquee, canopy, and fixed-awning-type structures.

ROOF LINE. The height which is defined by the intersection of the roof of the building with the wall of the building; except, for mansard-type roofs, the **ROOF LINE** means the top of the lower slope of the roof. Roofs with parapet walls completely around the building and not exceeding 4 feet in height may be considered as the **ROOF LINE** for the purposes of this ordinance.

SIGN. An outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.

STRUCTURAL TRIM. The molding, battens, cappings, nailing strips, latticing, and platforms which are attached to the sign structure.

VEHICLE. Any automobile, truck, camper, tractor, van, trailer, or any device capable of being transported, and shall be considered a **VEHICLE** in both moving and stationary modes, irrespective of state of repair or condition.

SECTION 2. SIGN REGULATIONS.

A. GENERAL.

1. No sign shall use a rotating beacon, beam or flashing illumination resembling an emergency signal. No sign shall be erected so as to project into the public right-of-way or obstruct the view of the public right of way by those traveling any street or alley.
2. No person may affix, paste, stick, scatter, throw, place or display banners, signs or other advertising media upon any telephone or electric light pole or other public property or within any easement or designated right of way of any public street or easement.
3. No sign may be located in street right-of-way, including medians, and/or obstruct vision of traffic or pedestrians of the street right of way.

B. CHURCHES AND PUBLIC SCHOOLS.

Churches or schools only may have illuminated signs, but not of a flashing or intermittent type. Such signs shall not exceed thirty-six (36) square feet in area when attached to the building or when erected where allowed on the property; provided, however, that no such sign shall be erected above the height of six feet; and provided further, that no such sign shall be erected above or upon, or be attached to the roof of any building. (1 sign per church or school is permitted, unless city council approval is requested, and received.)

SECTION 3. REAL ESTATE.

A. RESIDENTIAL-ONSITE.

Signs not exceeding 4 square feet in area and not exceeding 4 feet in height in residential districts which advertise the sale, rental or lease of the premises upon which such signs are located only. The number of signs shall be limited to 1 per lot or complex, except, where such lot

or complex abuts more than 1 dedicated public street, 1 additional sign shall be allowed for the additional public street.

B. TEMPORARY DIRECTIONAL-OFFSITE.

Temporary realtor directional signs located off-premises advertising the sale of real estate, providing such signs do not exceed 4 square feet in area, and providing that signs may contain the word "open" and may contain a directional indicator. Such signs may not be located in street right-of-way, including medians, and/or obstruct vision of traffic or pedestrians, nor be constructed of paper or cardboard. Signs must be kept well painted and in good condition and may be utilized only from Friday at 12:00 noon until the following Monday at 12:00 noon. No lot, or subdivision, or lots within a subdivision, shall have more than an aggregate of 5 signs placed in Shady Shores pursuant to this section. Each subdivision may have a total of 5 signs, which may be any combination of developer, builder, or realtor signs.

C. UNDEVELOPED ACREAGE-ONSITE.

Signs for undeveloped or not yet platted acreage of not less than 10 acres may have signs as follows:

1. Not larger than 32 square feet per side, 64 square feet total per sign;
2. Not higher than 10 feet in height above the ground surface of the tract;
3. For tracts greater than 20 acres, there may be 1 sign on each public roadway abutting the tract.

D. SUBDIVISION DIRECTIONAL-OFFSITE.

A platted subdivision of not less than 10 acres may have not more than 2 directional signs as follows:

1. Must be within 1 mile of the subdivision;
2. Located on a collector or arterial road frontage;
3. Not less than a 25 foot setback from the right-of-way;
4. The 2 signs must not be closer together than 1,000 feet;
5. The sign must be removed upon issuance of any building permit for any of the last 4 lots in this subdivision; or 1 year from the date of the sign permit to construct such signs, whichever comes first.
6. Not larger than 32 square feet per side, 64 square feet total per sign; and
7. Not higher than 10 feet in height above the ground surface of the tract.

E. RESIDENTIAL SUBDIVISION PERMANENT IDENTIFICATION SIGNS.

Residential subdivision permanent identification signs shall be permanent in nature, the design and construction of which shall be submitted for approval to the city council with the

preliminary plat of the subdivision. Such signs shall comply with the requirements of a Monument Sign, unless waived by the city council. The purpose of the subdivision identification sign is the permanent identification of the subdivision, rather than the identification of the builder, contractors, realtors, or other persons or entities responsible for the development and sale of the real estate within the subdivision.

SECTION 4. GARAGE SALE SIGNS.

A. SIZE AND DURATION.

Shady Shores residents desiring to hold a garage sale may place signs, each of them no more than 4 square feet in area, nor more than 4 feet in height, as measured from grade level to the top of the sign to advertise the sale. The signs may only be placed in the period of the day before, the sale day(s), and the day after, not to exceed a total of 96 hours.

B. NUMBER OF SALES.

No more than 2 garage sales per calendar year may be held on the same lot, tract, or residence.

SECTION 5. TEMPORARY POLITICAL SIGNS.

All political signs shall comply with all state and federal requirements, including Tex. Election Code, Chapter 255, and Tex. Transportation Code, Chapters 392 and 393.

<http://www.statutes.legis.state.tx.us/Docs/EL/htm/EL.255.htm>

SECTION 6. PUBLIC SERVICE SIGNS.

Public service announcement signs not to exceed 18" x 24" may be placed only in locations designated by the Town, school district, LCMUA, Denton County, churches, and/or youth organizations (eg. Boy Scouts, Girl Scouts, YMCA, or similar charitable organizations with offices in the Lake Cities) for the purpose of public information. The number of signs from any organization may not exceed 6 signs during any one period of 14 days.

SECTION 7. NONCONFORMING SIGNS.

A permanent sign erected within the town prior to the effective date of this ordinance, which does not conform to the regulations of this ordinance, shall be deemed to be a nonconforming sign which shall be allowed to continue, with normal maintenance and repair only; provided, however, a nonconforming sign may not be enlarged upon, expanded, or extended, except as otherwise provided herein. It is not the intent of this section to encourage

the survival of nonconforming signs; to the contrary, nonconforming signs are discouraged and contrary to the intent and purpose of this ordinance.

A. OBSOLESCENCE OR DESTRUCTION.

A nonconforming sign shall not be enlarged, expanded, extended, replaced, or rebuilt in case of obsolescence or total destruction by any means or cause.

B. REPAIR OR RECONSTRUCTION IF DAMAGED.

In the event a nonconforming sign is damaged by any means or cause and the repair or reconstruction cost, whichever is applicable, equals or exceeds 50% of the fair market value of the sign at the time of the damage, it must be removed or brought into compliance with this ordinance.

C. REMOVAL OF UNLAWFUL SIGNS.

In case any nonconforming sign is enlarged, expanded, extended, replaced, or rebuilt in violation of any of the terms of this ordinance, the Mayor or Town Secretary shall give written notice by personal service or by certified mail, return receipt requested, to the owner, lessee, or person responsible for the sign to remove the sign or bring the sign into compliance with this ordinance. If the order is not complied with within 10 days, the Mayor or Town Secretary shall revoke the sign permit, if any, and/or cause a complaint to be filed in the Municipal Court.

D. PLACEMENT AND REMOVAL OF SIGNS.

All signs shall be placed by the owner or the party in control of the property or with the permission of the owner or party in control, and the owner or party in control shall be responsible for the prompt removal of any sign in accordance with the provisions of this ordinance.

E. TEMPORARY AND PORTABLE SIGNS.

Nonconforming temporary business signs and portable signs shall be removed or made to conform to the provisions of this ordinance within 30 days after the effective date of this ordinance.

SECTION 8. REPEALING CLAUSE. All provisions of the ordinances of the Town of Shady Shores, Denton County, Texas in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the Town of Shady Shores not in conflict with the provisions of this Ordinance shall remain in full force and effect.

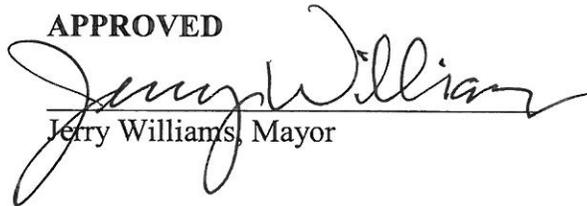
SECTION 9. SEVERABILITY. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudicated or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 10. PENALTY CLAUSE. Any person, firm, or corporation violating any of the provisions of this ordinance shall be subject to the same penalty as provided herein, and upon conviction shall be punished by a fine not to exceed the sum of \$500 for each offense; and each and every day the violation shall continue shall be deemed to constitute a separate offense. Any offense committed before the effective date of this Ordinance is governed by the prior law and provisions of the Code of Ordinances as amended, in effect when the offense was committed and the former laws continued in effect for this purpose.

SECTION 11. EFFECTIVE DATE. This Ordinance shall take effect immediately from and after its passage and the publication of caption, as the law provides.

4th **DULY PASSED** by the Town Council of the Town of Shady Shores, Texas, on the day of MARCH, 2013.

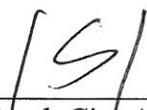
APPROVED


Jerry Williams, Mayor

CORRECTLY ENROLLED:


Sarah Swanson, City Secretary

APPROVED AS TO FORM:


James E. Shepherd, City Attorney