

ITEM 5 CASE #09-02-UDC – HOLD PUBLIC HEARING REGARDING A UNIFIED DEVELOPMENT CODE AND CONSIDER A RECOMMENDATION FOR AN ORDINANCE

Receive public input and consider a recommendation regarding a request by the City of Euless to amend Code of Ordinances Chapter 84 “Unified Development Code” by replacing in its entirety Article VI “Signs and Street Graphics Regulations”.

Chairman McNeese opened the public hearing.

Stephen Cook, Senior Planner, gave a brief description of the case. The objectives of the proposed changes to the current sign ordinance are to: identify revisions or additions that would improve the efficiency and effectiveness in administering the ordinance; further enhance the City’s aesthetic image; and, effectively serve the needs of the community’s businesses and residential areas. The recommended changes are a product of extensive input of the City Council and Planning and Zoning Commission, and are tailored to fit the needs and unique character of the City of Euless. The format has been reworked to establish a better flow and to make the ordinance user friendly. No longer will it be necessary for the reader to reference multiple sections to determine the requirements for a particular sign or group of signs. Additional definitions of specific types of signage have also been provided as well. We have used “shirt sleeve” language when possible. Several specific regulations contained in the proposed ordinance include the following:

WALL SIGNS (Primary) – The amount of wall signage and the number of signs be directly proportionate to the width of the elevation and height of the building. Currently, the ordinance establishes that “any number of wall signs are permitted as long as it does not exceed 30% of the wall elevation”, including windows and doors. This form of signage perhaps produces the most on-site “visual clutter” and contributes to an overall “negative appearance”.

Wall signs (painted) would be subject to the following conditions:

- Existing signs in excess of the new wall sign standards will become legally existing non-conforming; and,
- Legally existing non-conforming painted on signs will have to brought to current standards at issuance of new or re-issued Certificate of Occupancy

WALL SIGNS (Secondary) – In addition to the primary wall sign(s), a secondary wall sign that is no greater then 10% of the size of the primary wall sign is permitted.

WINDOW SIGNS – Currently the ordinance establishes a 30% of the wall elevation, including with windows and doors, (think of QuikTrip), with banners, painted window signage, interior window signage, and neon tubing attached directly to the wall be included as part of the total wall elevation coverage.

A maximum coverage of 15% for each window pane is proposed.

BANNERS – Currently, the ordinance defines banner signs in the following manner: the banner must be affixed flush to the wall surface; the banner must be kept in good condition and kept neatly painted; signs must be made of durable weatherproof material; banners must be used ancillary to the legally permanent name sign; and establish that a business must have a legally permitted permanent name sign in order to use banners.

The proposed ordinance would establish the use of banners may be permitted as temporary signs with specific time limits and they may be approved as part of a Special Event Permit. Examples of a special event permit would include “Grand Openings” or “Special Prices” signs used during annual sales events.

WEEKEND PARKWAY SIGN – We currently allow one (1) parkway sign for each multi-family complex, limited to no greater than three (3) feet in height nor exceed six (6) square feet (per side). The signs can be set out noon on Friday and picked up by noon on Monday. Weekend Parkway Signs permits may also be issued to new single-family residential builders.

The proposed ordinance would prohibit the use of weekend parkway signs and establish a Kiosk Sign program.

SPECIAL EVENT SIGNS – Utilized most frequently by the apartment community and by new businesses for grand opening type of events, we currently issue a Special Event Sign Permit that provides flexibility for the applicant to utilize nonrigid temporary signs such as balloons and or other inflatables. Consistent with the needs of the apartment community and to allow greater flexibility, we propose to allow 7 days per permit, with no more than four (4) permits per year.

BALLOONS – We currently allow balloons less than 24” in diameter in multi-family zoned areas if they are attached to the property’s legally permitted permanent name sign.

The proposed ordinance would only allow the use of balloons if approved with a Special Event Sign permit.

ELECTRONIC MESSAGE –Currently we define electronic message center as “any sign that has the ability to electronically change the messages that are displayed”. We further establish in Prohibitive Sign Characteristics that signs have no motion or create excessive illumination and that no more than 40% of the sign face can be comprised of the electronic message. The message must appear in its entirety and remain static, no change for at least fifteen seconds.

GENERAL BUSINESS SIGNS – The ordinance currently establishes for pole signs on State Highways that hotels/motels, fuels sales, and restaurants within 300 feet of freeway right of way are permitted a sixty (60) foot tall sign, with a maximum area of 300 feet. All other general business signs are permitted to be fifty (50) feet, with a maximum area of 250 feet.

The proposed ordinance would establish The new ordinance further specifies the different types of freestanding general business signs into three major categories:

- 1) **POLE/PYLON SIGNS** – Pole and Pylon signs will be permitted in the City with the same dimension, height, setbacks (from curb and other signs) and materials as is currently allowed within the development code. The size of Pole and Pylon signs are dependent on the business' location adjacent to roadway types – maximum regulations generally increase when located next to higher traffic roads.
- 2) **MULTI-TENANT DEVELOPMENT SIGNS** – Similar to pole signs, the current ordinance regulates the dimensional standards of signs which are used to advertise multiple businesses on the same sign. The new ordinance establishes a more specific definition for these types of signs that allows them to be constructed as either pole/pylon signs or as monument signs. In addition the ordinance requires a higher level of planning if several individual multi-tenant signs are intended to be used (as is the case for the Shops at Vineyard Village). Under the new ordinance, a single development on one parcel (such as a small strip center) would be allowed to construct one Multi-Tenant Development Sign without any additional free-standing signs. If a development contains many tracts and proposes several signs, the developer would be required to complete a Unified Sign Development Plan which requires a specific location plan for all of the signs in relationship to proposed structures and internal circulation.
- 3) **MONUMENT SIGNS** – The third type of freestanding general business sign is a monument sign. The new ordinance provides specifications as to the height; size; and setbacks for a monument sign and requires that monument signs be constructed of masonry materials.

UNIFIED SIGN DEVELOPMENT PLAN – If a particular development requires multiple freestanding sign types and locations (combination of multi-tenant, monument, internal directional signs) then the developer will submit a plan that will show the location, dimensions and relationship to buildings and internal circulation to the site. This plan will enable the City to allow flexibility in usage of signage for larger developments, but still maintain consistency of how signs will be managed in the city.

INFLATABLE DEVICE SIGNS – Inflatable device signs which may include all inflatable animals, characters and other devices designed to attract attention through size, shape or internal air movement will be required to be specifically permitted. To reduce the clutter of these types of devices, inflatable signs will be required to be ground mounted

(no longer allowed on rooftops of buildings) and may not be placed within any required parking spaces on the site or within right-of-way.

NON-CONFORMING SIGN – Any sign and its supporting structure that does not conform to all or any portion of the new ordinance and was in existence and lawfully erected prior to the effective date of the new ordinance. If a business closes and the sign permit is no longer valid, the new ordinance allows the City to issue a letter requiring the property owner to remove the sign. Additionally, if signs become dilapidated or in disrepair, the Building Official can have the signs removed or required to be rebuilt and re-permitted.

Chairman McNeese asked for any proponents/opponents to come forward for any comments. Seeing none the public hearing was closed.

Commissioner Bearden was concerned that the home builders were not notified of the public hearing because it affects their business and marketing model along with a fine of \$200 and pay to be on kiosk signs. Currently there are less than a dozen communities under development. Generally if construction is low the kiosk sign company will increase the builder's fee's to use their kiosk.

Mike Collins stated the timing with active subdivisions as opposed to when the activity was much higher does make the timing inappropriate. A decision was made to include a provision to allow kiosk signs in the future; it's only if City Council approves a program for a company to do the kiosk signs. A provision is in place to allow that if City Council has not approved a program by January 1, 2010 then the kiosk signs would not be in place. At this point the builders would continue to place out weekend bandit signs.

Commissioner Bearden stated weekend signs are prohibited according to page 43, section 107.

Stephen Cook pointed out the provision on page 17, section 43 that City Council "may" approve the kiosk sign program. Until the ordinance is in effect, January 1, 2010, bandit signs are permitted.

Commissioner Bearden stated his concern is that it states the weekend signs are "hereby prohibited" and the builders were not notified.

Chris Barker stated weekend signs are prohibited from the effective date of the ordinance and the kiosk sign program may be approved by City Council. The plan is to market and educate the builders and some businesses that would be affected by this once the ordinance goes before City Council.

Vice Chairman May shared the same concern as Commissioner Bearden.

Mike Collins stated staff has been involved and has done a thorough review in regards to the signs. There has been contact with the convenient store operators and and

apartment communities. It was found that there were about 4-5 intersections specific to home builders placing their signs out that were legal and not in the right of way. The kiosk signs would be proposed to be in those same locations where builders had already selected for their advertisement.

Commissioner Bearden does not feel that there are enough builders to support a kiosk sign program and thus his concern was that their weekend signs would be prohibited.

Mike Collins stated the Commission could eliminate the kiosk sign program and leave the language prohibiting weekend signs or continue to allow the weekend signs. In either case if and when there is a kiosk sign program there would be an amendment to allow kiosk signs and address the weekend signs.

Commissioner Zahn proposed that a change be made to allow parkway signs until such time a kiosk sign program is adopted.

Chris Barker asked that if there is no kiosk program adopted that there be provisions to regulate weekend signs because the intent was to prohibit them. It would be asked to be on private property, with owner's permission, and outside of site visibility triangles.

Commissioner Bearden asked that on page 4, Section 4, in the first paragraph that the word "Eules" be changed to "Local Community" because the Mid Cities Peewee Football is an active organization.

The Commission discussed alternatives for amending the ordinance to allow temporary banners such as for First Baptist Church when they have their October Festival.

Chris Barker made a recommendation for a provision regarding banners within Section 88 to refer back to Section 10 (c) to allow a shroud banner sign draped over the permitted existing pole sign, not to exceed the size of the permitted pole sign.

Commissioner Zahn made a motion to approve case #09-02-UDC with the following amendments: 1) Eliminate Section 43 "Kiosk Signs" 2) Amend Section 107 "Weekend Parkway Sign" that they would be prohibited if a kiosk sign program is approved by City Council. If weekend signs are permitted they will be subject to getting a permit, sized by maximum of 6 square feet, placed out only from Friday 12pm to Monday 12 pm, placed on private property, have property owner's permission, and are outside of any site visibility triangles; 3) In Section 4 "Athletic Registration Signs" to change "Eules" to "Local Community"; and 4) Add a provision regarding banners within Section 88 "Special Event Sign Permit" to refer back to Section 10 "Banner", Item (c) "Manner" to allow a shroud banner sign draped over the permitted existing pole sign, not to exceed the size of the permitted pole sign. Commissioner Bearden seconded the motion. The vote was as follows:

Ayes: Chairman McNeese, Vice Chairman May, Commissioners Zahn, Huffman, Portugal, Bearden, Mennis

Nays: None

Abstention: None

The motion carried (7-0-0)