

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF CARROLLTON, TEXAS TO AMEND CHAPTER 151, ENTITLED SIGN REGULATIONS, BY RESTATING, AMENDING IN ITS ENTIRETY, AND REPLACING CHAPTER 151 OF THE CITY'S CODE OF ORDINANCES BY AMENDING THE SIGN REGULATIONS TO COMPLY WITH THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION, TO REMOVE OUTDATED SECTIONS, TO CLARIFY PROVISIONS, TO UPDATE SCRIVENER ERRORS AND TO ADJUST AND IMPROVE THE GENERAL ORGANIZATION OF THE SIGN ORDINANCE; TO PROVIDE A PURPOSE AND SCOPE; TO PROVIDE ENFORCEMENT PROVISIONS; DEFINING TERMS; TO AMEND REGULATIONS FOR WINDOW SIGNS, SIGNS ON AWNINGS, DIGITAL FUEL SIGNS, WALL SIGNS, ROOFTOP SIGNS, COLD AIR INFLATABLE DEVICES, STAKE SIGNS, RESIDENTIAL SIGNS, AND REMOVING EXEMPTIONS FOR ALLOWING SIGNS, INCLUDING POLITICAL SIGNS, TO BE PLACED ON PUBLIC PROPERTY, INCLUDING IN THE RIGHT OF WAY; CREATING OFFENSES; PROVIDING SAVINGS, PENALTY, SEVERABILITY AND REPEALING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.**

**WHEREAS**, the City of Carrollton, Texas (the "City") is a Home Rule municipality possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter;

**WHEREAS**, the City of Carrollton recognizes that signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation;

**WHEREAS**, the City of Carrollton understands and acknowledges that under established Supreme Court precedent, a law that is content-based is presumptively unconstitutional and subject to strict scrutiny under the First Amendment of the U.S. Constitution, and as such, must satisfy a compelling governmental interest;

**WHEREAS**, the City intends to regulate signs in a manner consistent with the First Amendment that allows adequate communication through signage, and that also addresses the issues that call for regulation while encouraging aesthetic quality in the design, location, size and purpose of all signs;

**WHEREAS**, the purpose of the sign regulations is to regulate the size, color, electrification, illumination, movement, materials, location, height, maintenance, and condition of all signs placed on private property for exterior observation;

**WHEREAS**, the sign ordinance is not intended to regulate signs erected or maintained by the State of Texas, the U.S. Government, or the City related to traffic safety, public health and information, nor is it intended to prevent the posting of notices pursuant to state law; and

**WHEREAS**, the City Council hereby determines the following amendments to the Sign Code provide for and are in the best interests of the health, safety, property, and public welfare of all citizens.

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

**SECTION 1.**

All of the above premises are found to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.**

Section 151 of the Code of Ordinances of the City of Carrollton, Texas, is hereby amended and replaced in its entirety to read in accordance with Exhibit A.

**SECTION 3.**

Save and except as amended by this ordinance, all other ordinances of the City of Carrollton, Texas, shall remain in full force and effect.

**SECTION 4.**

Violation of this ordinance shall be a misdemeanor punishable in accordance with Section 10.99 of the Code of Ordinances, City of Carrollton, Texas.

**SECTION 5.**

The Terms and provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton Code of Ordinances.

**SECTION 6.**

To the extent of any prior ordinance of the City of Carrollton (or any provision, clause, phrase, sentence or paragraph contained therein) conflicts with this ordinance, said conflicting ordinance, provision, clause, phrase, sentence or paragraph is hereby repealed.

**SECTION 7.**

This ordinance shall become effective on and after its adoption and publication.

**DULY PASSED AND APPROVED THIS 19<sup>th</sup> DAY OF MARCH 2019.**

By: \_\_\_\_\_  
Kevin W. Falconer, Mayor

**ATTEST:**

\_\_\_\_\_  
Laurie Garber, City Secretary

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Susan Keller, Assistant City Attorney

\_\_\_\_\_  
Brett L. King, Building Official

## **EXHIBIT A**

### **Section 151 of the Code of Ordinances**

## **GENERAL PROVISIONS**

### **151.01 TITLE AND PURPOSE.**

These regulations shall be known as the Carrollton Sign Code, may be cited as such, and will be referred to herein as “this code”.

Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this ordinance is to regulate the size, color, electrification, illumination, movement, materials, location, height, maintenance and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens, and encouraging economic development. This ordinance intends to regulate signs in a manner consistent with the First Amendment while allowing adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs, and that protects the health, safety, property and public welfare of all citizens.

### **151.02 SCOPE.**

The regulations of this code are not intended to permit any violation of the provisions of any other lawful ordinance.

The regulations of this code are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by this State, the federal government or the City of Carrollton.

The regulations of this code are not intended to prohibit legal notices erected, maintained or otherwise posted in accordance with state law, including notices regarding concealed handguns on private property.

### **151.03 ENFORCEMENT.**

The Building Official is hereby authorized and directed to enforce all the provisions of this code.

### **151.04 RESPONSIBILITY OF COMPLIANCE.**

The permittee, owner, agent, person or persons having the beneficial use of a sign, the owner of the land or structure on which the sign is located, an applicant for a sign permit, a person in charge of erecting the sign, and any other person benefitting from or exercising control over the placement, removal, maintenance, change, or use of a sign may be held criminally responsible for a violation of this ordinance.

## **151.05 DEFINITIONS.**

**ALTER:** To change the size, shape, outline, intent or type of sign.

**ANCHOR TENANT:** A tenant with at least 20,000 square feet of retail space in a multi-tenant shopping center.

**AWNING:** An architectural projection, which provides weather protection, identity and decoration, attached and supported by the building. It is composed of a lightweight rigid or retractable frame over which a thin cover of fabric or other materials is attached, and may be illuminated.

**BANNER:** A temporary sign made of cloth, canvas or other light fabric not permanently affixed.

**BUILDING LINE:** A line established by ordinance beyond which a structure may not be built. A building line may be a property line.

**BUILDING OFFICIAL:** City Manager or designee charged with the administration and enforcement of this code, or the Building Official's duly authorized representative.

**CAN/BOX SIGN:** A metal non-molded square or rectangular casing with plastic or plexiglass face with adhesive lettering attached. The inside of the casing contains bulbs, tube lights and sliding tracks for simple replacement or exchange of the face. **Can / Box signs are prohibited in Carrollton.**

**CANOPY:** A roof-like structure which shelters a use and is supported by either one or more columns or by the building to which it is accessory and is open on two or more sides.

**CAPSULE SIGN:** A sign fabricated from aluminum or metal with an acrylic face that allows light to pass through and illuminate the letters or logo. Capsule signs typically include a company logo or other graphic that describes the product or service offered by the business. Capsule signs may not exceed 25% of the total combined area of the main sign and capsule sign.

**CHANNEL LETTER SIGN:** Individually constructed letters fabricated out of aluminum or other similar materials to form a three-dimensional letter that may accommodate a light source. Letters may be installed on a raceway or directly to the exterior wall.

**CITY PARKWAY:** The R.O.W. area between the street curb and the R.O.W/property line.

**COLD AIR INFLATABLE DEVICE:** A motionless, temporary object secured to the ground, constructed of plastic, cloth, canvas or other light fabric which assumes a three-dimensional shape when filled with air under pressure or helium gas, and does not create an occupiable space.

**COMMERCIAL BILLBOARD:** A sign that is intended to be leased, or for which payment of any type is intended to be or is received, for the display of any good, service, brand, slogan, message, product, or company, except that the term does not include a sign that is leased to a business entity and located on the same property on which the business is located; or a sign that is located on property owned or leased for the primary purpose of displaying a sign; or any sign that promotes or advertises off-premise commodities or services.

**DIGITAL BILLBOARD:** Any commercial billboard sign utilizing digital message technology, capable of changing the static message or copy on the sign electronically. Digital Billboards shall contain static messages only, and shall not have animation, movement or the appearance or optical illusion of movement. Each static message shall not include flashing, scintillating lighting or the varying of light intensity.

**ERECT:** To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs on the exterior surface of a building or structure.

**FEATHER SIGN:** See “SAIL SIGN”.

**FLAG:** A piece of fabric, cloth, plastic, vinyl, canvas, leather, or other similar material attached to a staff cord on one end generally used as a symbol of a nation, state, city or other local government entity.

**FLAG POLE:** A permanent staff or pole specifically designed with pulleys and a cord on which a flag may be mounted.

**GROUND SIGN:** A temporary sign that is made of wood, metal or other rigid materials and supported by one or more uprights, poles in the ground.

**ILLUMINATED:** Any sign that has characters, letters, figures, designs or outline illuminated by electric lights, luminous tubes or other similar means.

**INCIDENTAL SIGN:** Small signs, less than two square feet in surface area, of a noncommercial nature, intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, and entrances to buildings, directions, help wanted, public telephone and so forth. Also included in this group of signs are those designed to guide or direct pedestrians or vehicular traffic to an area or place on the premises of a business building or development by means of a directory designating names and addresses only.

**LOT:** An individual parcel or tract of land approved by the city and recorded by a plat in the office of the appropriate County Clerk.

**LOT LINE:** A line dividing one lot from another, or from a street or place.

**MOLDED CABINET SIGN:** A uniquely shaped and molded sign illuminated with internal lamps. Light is transmitted through an acrylic or routed metal face. Acrylic, Plexiglas or Lexan faces are molded with unique shapes which would not be considered easily interchangeable.

**MONUMENT SIGN:** A sign having a low profile and made of stone, concrete, metal, routed wood planks or beams, brick or similar materials. A monument sign shall be solid from the ground up; pole(s) or supports shall be concealed.

**MURAL:** Non-commercial pictures painted on or attached to the exterior walls not advertising a product or service which is sold on the premises.

**NAMEPLATE:** Any sign showing only the name and address of the owner or occupant of the premises on which it is erected or placed.

**OBSOLETE:** Any sign which no longer serves a bona fide use or purpose on a lot with or without a structure.

**OFF-PREMISE:** A sign that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

**OLD DOWNTOWN COMMERCIAL DISTRICT:** A 15.7 acre tract of land with a perimeter boundary measured at the R.O.W. center line of Belt Line Road, IH-35E, Vandergriff Drive and the Railroad, situated in the John Nix Survey, Abstract No. 1089, and the William Larner Survey, Abstract No. 799, Dallas County, Texas.

**ON PREMISE:** A sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises at the business, person, or activity.

**PAN SIGN:** A sign fabricated from aluminum or steel panel or other similar materials containing digitally printed artwork, cut out vinyl letters and logo or channel letters and logos mounted to the pan face. Pan signs may be designed with square or rounded corners and are not internally lit. **Pan signs are prohibited on retail buildings.**

**POLE SIGN:** A freestanding sign supported by a pole having no guys or braces to the ground or to any other structure. **Pole signs are allowed only on IH-35E.**

**POLITICAL SIGN:** An off-site sign which refers only to the candidates or issues involved in a political election, and designed to be seen from a road, but does not include a bumper sticker.

**PORTABLE SIGN:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported by wheels including, but not limited to signs which are mounted on skids, trailers, wheels, legs or stakes; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used as signs.

**PREMISES:** Land together with any buildings or structures occupying it.

**PROJECTING SIGN:** Signs that project from a building and have one end attached to a building or other permanent structure. Projecting signs are prohibited in all districts except the Transit Center.

**PROPERTY LINE:** The line denoting the limits of legal ownership of property.



**PYLON SIGN:** A freestanding sign supported by two vertical pole supports encased in brick, stone or materials architecturally compatible with the main building or structure on the property.

**READERBOARD:** Alternating electronic data control components.

**REAR WALL:** A wall with no main entrances, no store fronts and which does not face the front of the lot. A building may have a maximum of one rear wall.

**SAIL SIGN:** A Wind Device that contains a harpoon-style pole or staff driven into the ground for support or mounted on a weighted portable base. Sail Signs are generally used in connection with a commercial promotion or to advertise a commercial product, service, business, activity condition, or person. **Sail Signs are prohibited in the City of Carrollton.**

**SANDWICH BOARD:** A self-supporting “A” shaped sign with two visible sides that is situated on or adjacent to a sidewalk. **Sandwich Boards are only allowed on sidewalks in the Transit Center District.**

**SETBACK:** The distance between the closest portion, whether the support structure or edge of the sign, to the back of street curb or edge of street pavement.

**SIGN:** Shall mean and include every sign, name, number, identification, description and announcement, declaration, demonstration, advertisement, device, display, flag, banner, pennant, illustration, beacon, light or insignia, and structure supporting any of the same, affixed directly or indirectly to or upon any building or outdoor structure, or erected or maintained upon a piece of land, which directs attention to any object, project, service, place, activity, person, institution, organization or business. Any interior illuminated or moving sign or lights which are visible from the exterior of the building or structure.

**SIGN AREA:** The square footage of a sign made up of letters, words or symbols within a frame shall be determined from the outside edge of the frame itself. The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary rectangle drawn around the entire copy or grouping of such letters words or symbols. Double-faced signs shall be calculated as the area of one side only.

**SIGN PLACEMENT AREA:** A designated area on a building specifically designed for placement of signage, generally a feature that is architecturally designed to enhance the building and give specific prominence to the placement area.

**STAKE SIGN:** A temporary sign supported by a piece of material driven into the ground.

**TEMPORARY:** Any sign, banner, pennant, valance or display constructed of cloth, canvas, light fabric, cardboard, wallboard or other like materials, with or without frames, and any type sign not permanently attached to the ground, wall or building, intended or appears to be intended or is determined by the building official to be displayed for a limited period of time.

**VEHICLE:** For the purpose of this chapter shall mean any automobile, truck, camper, tractor, van, trailer or any device capable of being transported and shall be include a vehicle in both moving and stationary modes, irrespective of state of repair or condition.

**VEHICULAR SIGN:** Any sign attached to or painted on vehicles parked and visible from the public right-of-way; unless said vehicle is used in the normal day-to-day operations of the business. This definition shall not include signs that are being transported to a site of permanent erection.

**WALL SIGN:** Any sign attached to a wall with the sign facing parallel to and not more than 10 inches from the wall surface.

**WINDOW SIGN:** Any sign, pictures, symbol, paint or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

## **PERMITS, FEES AND INSPECTIONS**

### **151.10 SIGN PERMIT REQUIRED.**

- A. It shall be unlawful for any person to erect, replace, enlarge or relocate any sign within the city without first obtaining a permit to do so from the Building Official, except as may be hereinafter provided.
- B. Multiple-tenant and multiple-building lot-coordinated signage; compatibility of design. All signs applied for under the provisions within this code are subject to the approval by the Development Services Department. The following criteria shall be considered:
  - 1. Compatibility with surrounding signage as related to location, height, size, setback, etc.
  - 2. Compatibility with aesthetics as related to color scheme, shapes, design, materials, etc.
  - 3. Relationship to proposed or existing landscaping.

## **151.11 SIGNS EXEMPT FROM PERMIT.**

A permit shall not be required for the following signs; provided, however, such signs shall otherwise comply with all other applicable provisions of this code.

- A. One temporary banner not exceeding eight square feet in area shall be allowed for the period of time the suite or building on which such sign is located is available for sale, rental or lease, but in no event for longer than 180 days per calendar year.
- B. Nameplates, memorial plaques, building identification signs and building cornerstones not exceeding two square feet in area when cut or carved into the masonry surface or when made of noncombustible material and made an integral part of the building or structure.
- C. Permanent on-site signs limited to the following:
  - 1. One sign at a drive-through lane entrance, maximum three feet in height and four square feet in area, located behind the required front building setback;
  - 2. One sign at a drive-through lane exit, maximum three feet in height and four square feet in area, located behind the required front building setback.
- D. Multi-tenant buildings shall be allowed one sign which complies with the following:
  - 1. Maximum area shall be twenty (20) square feet;
  - 2. Maximum height shall be five (5) feet;
  - 3. Sign shall be set back in accordance with the required setbacks of the zoning district;
  - 4. Each tenant panel shall be the same size and color, and shall be a maximum of 4" tall;
  - 5. Each tenant panel shall have the same size, color, and typeface of font;
  - 6. Each tenant shall be limited to one panel; and
  - 7. Sign construction shall be of decorative metal or some similar durable material.
- E. Legal notices or warning signs posted in compliance with state or federal law including criminal trespass warning signs, open carry signs, and disabled parking signs.
- F. Designated parking space signs which are no larger than twelve inches by eighteen inches with a maximum overall height of seven (7) feet.
- G. Temporary signs warning of a particularly dangerous or hazardous condition containing only sufficient information to warn of such danger or condition.
- H. Scoreboards, golf course tee signs, and athletic field identification signs.
- I. Athletic field fencing signs facing into an athletic field that are intended to be visible only from inside the field or spectator area for the field or stadium, and are no taller than the fence or wall upon which the sign is located.

- J. Signs fabricated into windscreens for tennis courts on City of Carrollton park facilities only for identification purposes.
- K. Sculptures when installed in compliance with the comprehensive zoning ordinance and construction codes.
- L. The changing of messages or copy on signs designed and intended to be changed on a regular basis provided the sign is not altered. Examples of these type signs are theater marquees, electronic reader boards, menus, fuel prices, billboards, directories and the like.
- M. The removal and replacement of interchangeable panels for signs designed and approved for this specific purpose.
- N. Window signs/painted window signs: with a maximum size not exceeding 25% of the total window area for any linear wall segment; and limited to one- or two-story retail buildings or the ground floor of a mixed-use building with retail at the ground floor. Blinking signs are prohibited.
- O. Gasoline/service station informational signage. Signs located beneath a canopy are exempt. Governmentally mandated signage and signage contained within the individual pumps are also exempt. In addition, ten square feet of signage is permitted per side under the canopy per set of gasoline product dispensers. Signage located beneath the canopy which is not intended to be read from the public right-of-way is exempt. Letters less than three inches in height shall not be counted as part of the sign allowance.
- P. Incidental signs as defined in 151.05, limited to one per building entrance.
- Q. Banners in conjunction with an approved special event permit as provided in 151.39.
- R. Stake signs as provided in 151.50.
- S. Political signs as provided in 151.51.
- T. Portable and vehicle signs as provided in 151.52.
- U. Flags and flagpoles as provided in 151.53.
- V. Sandwich board signs as provided in 151.54.

## **151.12 PROHIBITED SIGNS AND ACTIVITIES.**

The following signs and activities are prohibited.

- A. Signs not expressly allowed pursuant to this ordinance are prohibited.
- B. Signs erected in a manner that may cause confusion, or obstruct the view or interpretation of any official traffic sign, signal or device.
- C. Window signs, including painted window signs, except as expressly allowed in this ordinance.
- D. Any sign containing or displaying any obscene material.
- E. Commercial billboards as defined in 151.05 are prohibited.
- F. Off-premise signs are prohibited except as otherwise allowed by Carrollton City Code 92.32.
- G. Signs or material placed on or suspended from buildings, poles, sidewalks, vehicles and the like.
- H. Placing or suspending from any building, light pole, utility pole, structure, sidewalk, parkway, driveway or parking area, any goods, wares, merchandise or other advertising or displaying of such items other than a sign, as defined, regulated and permitted by this code.
- I. The attachment, suspension or hanging of cloth, paper, banner, flag, device or other similar matter to or on any sign, building, vehicle or structure, when the same shall create litter or a public nuisance.
- J. Attaching any sign, paper or other material, or painting, stenciling, writing or similar or otherwise marking on any sidewalk, curb, gutter, street, service poles, utility poles or boxes, public property, fence or structure except as otherwise expressly allowed by ordinance.
- K. Certain illuminated signs prohibited.
  - 1. No sign, whether required to be permitted or not, shall be illuminated to such an intensity or in such a manner, as to cause a glare of brightness to a degree that it constitutes a hazard or nuisance to traffic. Moving, flashing, blinking, intermittent lighted, changing color, beacons, revolving or similarly constructed signs shall not be allowed except for time and temperature on an otherwise permitted sign. See 151.30 (I), 151.31 (I), and 151.32 (I) for electronic message signs.
  - 2. No lighted sign shall be erected within 150 feet of a residential district unless the lighting is shielded from view of the residential district.

- L. Signs prohibited on or over public property. No portion of any sign shall be erected on or over public property, unless the same is erected by the City, or with the permission of the City, or as specified in section 151.51 (B).
- M. Any sign erected on a vertical framework supported by and located immediately and entirely over the roof of a building is prohibited except as specified in 151.34. Signs painted or attached on the roof of a structure are prohibited except as specified in 151.34 or 151.54.
- N. No person shall erect, maintain or permit the erection of any balloon or other floating device anchored to the ground or to any structure within the city except as specified in 151.38.
- O. Certain temporary signs prohibited:
  - 1. Stake signs, except as specified in 151.50.
  - 2. Portable signs, except as specified in 151.52.
  - 3. Sandwich board signs except as specified in 151.54.
  - 4. Freestanding self-supported advertising signs.
  - 5. Sail or Feather Signs.
  - 6. V-Shaped Signs.
  - 7. Skid Signs.
- P. Signs leaning against windows. All signs visible from the exterior of a window shall be attached to the window or to the structure and shall comply with 151.11 (N).
- Q. Signs on residential lots are prohibited except as specified in 151.36, 151.50, and 151.51.
- R. Windows where the back side of display shelving, storage or other fixtures is located adjacent to such windows. Windows shall be obscured up to four (4) feet from grade with an opaque window film adhered to the window such that the back side of display shelving, storage or other fixture are not visible through the window. Foil, newspaper, cardboard and other such materials placed in windows shall be prohibited.
- S. Awning signs are prohibited except as specified in 151.54.
- T. Can/Box signs are prohibited on all buildings in Carrollton.
- U. Pan signs are prohibited on retail buildings.
- V. Signs painted directly on faces of buildings are prohibited except as specified in 151.54.

W. LED or other continuous or connected series of lights:

Prohibitions: The following items shall be prohibited:

1. No lighting shall be permitted to outline individual windows.
2. No lighting shall be permitted to outline an individual occupancy in a multi-tenant building.
3. No lighting shall be permitted to outline any accessory structures, signs, light poles or other appurtenances on site.
4. No lighting shall be permitted to outline any vertical features of the building separate from the roof line.

Exception: Rope or other continuous or connected series of lights utilized to outline only the roof line of any building.



### **151.13 APPLICATION FOR SIGN PERMIT.**

Application for a sign permit shall be made in writing upon forms furnished by the Building Official. Such application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the owner and the sign contractor or erector. The Building Official may require the filing of plans or other pertinent information where in his opinion such information is necessary to ensure compliance with this code. Standard plans may be filed with the Building Official.

### **151.14 FEES.**

Permit and non-refundable application fees for each sign shall be as provided for in the city approved fee schedule (Chapter 31 of the Carrollton Code of Ordinances).

### **151.15 PERSONS INELIGIBLE TO RECEIVE PERMITS.**

- A. The Building Official shall not issue a sign permit to any person who has previously failed or refused to pay any fees or costs assessed against him under the provisions of this code, until such fees are paid.
- B. The Building Official shall not issue a permit for a permanent sign to any business without a valid application for a Certificate of Occupancy.

### **151.16 PERMIT REVOCABLE.**

The Building Official may suspend or revoke any permit issued under the provisions of this code whenever he shall determine that the permit is issued in error or on the basis of incorrect or false information supplied, or whenever such permit be issued in violation of any of the provisions of this code or any other ordinance of this city or laws of this state or the federal governments. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign or the owner of the premises upon which the sign is located.

### **151.17 PERMIT VALID FOR ONLY ONE HUNDRED AND EIGHTY DAYS.**

If the work authorized by a permit issued under this code has not been commenced within 180 days after the date of issuance, the permit shall become null and void.

### **151.18 INVESTIGATION FEES; WORK WITHOUT A PERMIT.**

- A. Investigation. Whenever any work for which a permit is required by this code has been commenced with-out first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.
- B. Fee. An investigation fee, in addition to the permit fee, shall be collected, whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee.

### **151.19 INSPECTIONS.**

- A. All signs for which a permit is required shall be subject to inspection by the Building Official.
- B. Footing inspections may be required by the Building Official for all signs having footings.
- C. All signs containing electrical wiring shall be subject to the provisions of the governing Electrical Code, and the electrical components used shall bear the label of an approved testing agency.
- D. All signs may be re-inspected at the discretion of the Building Official.

### **151.20 REMOVAL OF OBSOLETE SIGNS.**

Any sign which the Building Official determines no longer serves a bona fide use conforming to this code or an abandoned use, shall be removed by the owner, agent or person having the beneficial use of the land, buildings or structure upon which such sign is located within 15 days after written notification to do so from the Building Official. Upon failure to comply with such notice, the Building Official is hereby authorized to cause the removal of such sign, and any expense incident thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon which it is erected. Abandoned use shall be the voluntary act of the user and/or owner to discontinue a use for a period of one hundred eighty (180) consecutive days or more.

### **151.21 REMOVAL OR REPAIR OF UNSAFE SIGNS.**

If the Building Official shall determine that any sign is unsafe or insecure, or is a menace to the public, he shall give written notice to the person or persons responsible for such sign. If the permittee, owner, agent or person having the beneficial use of the premises fails to remove or repair the sign within 15 days after such notice, such sign may be removed by the Building Official at the expense of the permittee or owner of the property upon which it is located. The Building Official may cause any sign that is an immediate hazard to persons to be removed summarily and without notice.

### **151.22 MAINTENANCE AND REMOVAL OF SIGNS.**

All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be kept in good repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. The Building Official may order the removal of any sign that is not maintained in accordance with this section.

Signs posted in the right-of-way, in violation of this Code, unlawfully on City property, or signs posing a traffic or other safety hazard, may be removed by the City without prior notice. All costs associated with sign removal will be paid by the sign owner.

### **151.23 ELIMINATION OF CERTAIN SIGNS.**

The city may require the removal of any sign erected in violation of any regulations of the city.

#### **151.24 TEMPORARY SIGN PLACEMENT.**

The Building Official may approve a temporary sign setback reduction in the following circumstance:

- A. The existing street right-of-way is greater than necessary to accommodate current pavement width but will be necessary to meet future roadway design requirements;
- B. Traffic visibility shall not be obstructed;
- C. The sign shall be located entirely on private property. Requests for sign placement on property owned by the city may only be considered by the City Council; and
- D. The property owner executes an acknowledgment that at any time and for no reason whatsoever, the Building Official may give 90 days' written notice to the property owner requiring compliance with all provisions of ordinances regulating signs and that such modifications and changes shall be at the owner's expense. At the expiration of 90 days, if the sign has not been removed, the city shall have the right to enter property, remove the sign and the appurtenances and place a lien on the property for the cost of such removal.

## **SIGN TYPES AND DISTRICTS**

### **151.30 MONUMENT SIGNS.**

Monument signs shall comply with this section and all other applicable provisions of this code.

- A. Maximum height: Six (6) feet including base.

Exception: For lots over three acres or anchor tenants over 20,000 square feet, the maximum height may be twelve (12) feet.

- B. Maximum area: 60 square feet of sign copy.

Exceptions:

- a) For lots over three acres: 100 square feet of sign copy.
- b) Signs with multiple tenants can state the shopping or business center name without it being considered when calculating the area of sign copy.

- C. Maximum number: One per lot, except as permitted.

Exceptions:

- a) For lots over three acres that abut IH-35E: limited by a minimum 200-foot separation between other allowed monument, pylon or pole signs on the same lot.
- b) For lots over three acres: one per street frontage.
- c) For lots over twenty acres: limited by a minimum 300-foot separation between other allowed monument, pylon or pole signs.
- d) For multiple tenant buildings with anchor tenants exceeding 20,000 square feet: one additional sign for each anchor tenant.
- e) For freestanding buildings in multiple tenant centers: one additional sign for each additional freestanding building.
- f) Multiple retail lots may be considered as a single site in determining the maximum number of signs allowed, the maximum sign size, or determining whether the sign is an on premise sign. Determination shall be made by the City Manager or designee considering the following:
  - 1) The sign(s) will be consistent with the general purpose and intent of this code, and will serve the general welfare and preserve the community interest; and

2) The total area of the lots being considered is three acres or larger.

- D. Setback shall be 25' from back of curb or from edge of street pavement and shall comply with the Visibility Ordinance.
- E. Sign construction shall be of brick, stone or similar materials to those used to construct the building on the same lot. Such materials shall be used to frame the sign in such a way as to completely surround the sign area a minimum of eight inches (8") on the top, sides and bottom. No part of a metal can may be left exposed. Monument signs shall have a solid, opaque base.
- F. Sign panels for multiple tenant signs shall be a minimum 12" in height.
- G. Signs shall be on the premises of the advertised use.
- H. Website addresses and phone numbers shall not exceed 4" in height.
- I. Two-thirds of the sign area may be used for electronic messages. Message cycle is limited to a minimum of seven seconds.
- J. The ground level of a 6' monument sign may be raised a maximum of 3' from the top of the adjacent curb via a berm providing a landscape plan has been approved by the City Arborist.
- K. Shall include the four-digit address with a minimum of 6" tall numbers.
- L. Exceptions:
  - 1. Signs within the Transit Center District shall comply with 151.54.
  - 2. Signs within PD-169 shall comply with 151.55 (A).

### 151.31 PYLON SIGNS.

Pylon signs shall comply with this section and all other applicable provisions of this code.

- A. Maximum height: For lots over five acres or anchor tenants over 50,000 square feet: 20 feet including base.
- B. Maximum area: For lots over five acres: 160 square feet of sign copy.

Exception: Signs with multiple tenants can state the shopping or business center name without it being considered when calculating the area of sign copy.

- C. Maximum number: One per lot, except as permitted.

Exceptions:

- a) For lots over three acres that abut IH-35E: limited by a minimum 200-foot separation between other allowed monument, pylon or pole signs on the same lot.
  - b) For lots over three acres: one per street frontage.
  - c) For lots over twenty acres: limited by a minimum 300-foot separation between other allowed monument, pylon or pole signs.
  - d) Multiple retail lots may be considered as a single site in determining the maximum number of signs allowed, the maximum sign size, or determining whether the sign is an on premise sign. Determination shall be made by the City Manager or designee considering the following:
    - 1) The sign(s) will be consistent with the general purpose and intent of this code, and will serve the general welfare and preserve the community interest; and
    - 2) The total area of the lots being considered is three acres or larger.
- D. Setback shall be 25' from back of curb or from edge of street pavement and shall comply with the Visibility Ordinance.
- E. Sign construction shall be of brick, stone or similar materials to those used to construct the building on the same lot. Such materials shall be used to frame the sign in such a way as to completely surround the sign area a minimum of eight inches (8") on the top, sides and bottom. No part of a metal can may be left exposed. Pylon signs shall have a solid, opaque base or two legs surrounded with the same materials as those used to frame the sign.
- F. Sign panels for multiple tenant signs shall be a minimum 12" in height.
- G. Signs shall be on the premises of the advertised use.

- H. Website addresses and phone numbers shall not exceed 4" in height.
- I. One-third of one pylon sign area may be used for electronic messages provided the sign is on a lot of five acres or larger, the lot abuts IH-35E and message cycles are limited to a minimum of seven seconds.
- J. Exceptions:
  - 1. Signs within the Transit Center District shall comply with 151.54.
  - 2. Signs within PD-169 shall comply with 151.55 (A).

### **151.32 POLE SIGNS.**

Pole signs shall comply with this section and all other applicable provisions of this code.

A. Maximum height:

1. For lots three acres or less that abut IH-35E: 35 feet and must be located adjacent to IH-35E.
2. For lots over three acres that abut IH-35E: 50 feet and must be located adjacent to IH-35E.

B. Maximum area:

1. For lots under three acres that abut IH-35E: 125 square feet.
2. For lots over three acres that abut IH-35E: 250 square feet of sign copy for the first sign and 125 square feet of sign copy for each additional allowed sign. Sign must be located adjacent to IH-35E.

C. Maximum number: One per lot, except as permitted.

Exceptions:

- a) For lots over three acres that abut IH-35E: limited by a minimum 200-foot separation between other allowed monument, pylon or pole signs on the same lot.
- b) For lots over three acres: one per street frontage.
- c) For lots over twenty acres: limited by a minimum 300-foot separation between other allowed monument, pylon or pole signs.
- d) For freestanding buildings in multiple tenant centers: one additional sign for each additional freestanding building.
- e) Multiple retail lots may be considered as a single site in determining the maximum number of signs allowed, the maximum sign size, or determining whether the sign is an on premise sign. Determination shall be made by the City Manager or designee considering the following:
  - 1) The sign(s) will be consistent with the general purpose and intent of this code, and will serve the general welfare and preserve the community interest; and
  - 2) The total area of the lots being considered is three acres or larger.

D. Setback shall be 25' from back of curb or from edge of street pavement and shall comply with the Visibility Ordinance.



- E. Sign construction may be as a pole sign or pylon sign.
- F. Sign panels for multiple tenant signs shall be a minimum 12" in height.
- G. Signs shall be on the premises of the advertised use.
- H. Website addresses and phone numbers shall not exceed 4" in height.
- I. One-third of one pole sign area may be used for electronic messages provided the sign is on a lot of five acres or larger, the lot abuts IH-35E and message cycles are limited to a minimum of seven seconds.
- J. Exceptions:
  - 1. Signs within the Transit Center District shall comply with 151.54.
  - 2. Signs within PD-169 shall comply with 151.55 (A).

### 151.33 WALL SIGNS.

Wall signs shall comply with this section and all other applicable provisions of this code.

- A. Maximum area per wall: 200 square feet for each 75 feet of wall length per business provided no more than 75% of the sign placement area's height or width is covered.

Exceptions:

- a) Gas price signs under island canopy: 40 square feet.
- b) Subdivision entry: 32 square feet.
- c) Mural: 50% of total exterior elevations
- d) Rear wall signs where allowed: 50 square feet.

- B. Maximum number: One per 50 feet of wall frontage.

Exceptions:

- a) Permanent subdivision walls: two per entry.
- b) Storage facilities, warehouses and industrial buildings: three per tenant.
- c) Multi-story office buildings: one building identification sign per elevation. Signage for individual tenants is prohibited except where the building identification sign is for the primary tenant.

- C. Placement: Wall of the business in which the business operates or placement as approved by the City Manager or designee. Wall signs shall be placed within the sign placement area of the building.

- D. Duration: Permanent.

- E. Rear wall signs: Rear wall signs are prohibited except where internal to site and not visible from street. Location must be approved by City Manager or designee.

Exception: When rear walls are constructed in such a way as to create a false façade, such as window walls, displays, etc. and approved by the City Manager or designee.

- F. Construction:

- 1. Channel letter signs
- 2. Molded cabinet signs

3. Capsule signs, not to exceed 25% of the total combined area of the main sign and capsule sign.
4. Pan signs, except that they are prohibited on office and retail buildings.
5. Digital gasoline price signs on fuel station canopies only. Sign copy may change only to update the fuel price, and cannot scroll through multiple fuel prices or be otherwise animated.

[Can/Box signs are prohibited on all buildings in Carrollton.]

- G. Website addresses and phone numbers shall not exceed 4" in height.

### **151.34 ROOFTOP SIGNS.**

Rooftop signs shall comply with this section and all other applicable provisions of this code.

- A. Building use: Multi-family apartments and condominiums, and mixed-use buildings whose primary nature is of the aforementioned uses. For mixed-use buildings to be considered for a rooftop sign, the division of uses shall be urban in nature with retail at the ground floor and apartments or condominiums above.
- B. Allowed sign use: Building identification only, non-tenant specific.
- C. Minimum building height: 4 stories
- D. Minimum building square footage: 225,000 square feet of at least 4-story construction.
- E. Placement:
  - 1. Signs shall be placed entirely above a flat roof, cantilever, or awning, and are prohibited above or in front of a residential-style pitched or mansard roof.
  - 2. Signs shall not face single-family residential houses or townhouses.
- F. Maximum sign copy height: 8 feet.
- G. Maximum sign copy area: 225 square feet per sign.
- H. Maximum overall sign height: 10 feet above the parapet.
- I. Maximum number: Two if located on a corner, otherwise one per development, even if development spans multiple lots.
- J. Duration: Permanent
- K. Construction: Supporting structure shall be visually minimized to the greatest extent possible. Signs shall be constructed of internally illuminated channel letters without a backer.

### **151.35 GROUND SIGNS.**

Ground signs shall comply with this section and all other applicable provisions of this code.

- A. Maximum height: Lots less than 2 acres – 8 feet; lots greater than 2 acres - 12 feet
- B. Maximum area: Lots less than 2 acres – 16 square feet; lots greater than 2 acres or located in LI Districts – 32 square feet

Exception: 96 square feet for multiple-use developments and residential subdivisions.

- C. Maximum number: One per legal lot of record.

Exception: For lots over three acres: one sign per street frontage.

- D. Setback: 25 feet from back of curb or from edge street pavement, and shall comply with the Visibility Ordinance.
- E. Construction: Signs shall be constructed as posts and panel with posts set in the ground at least 18” deep or concrete 12” deep.
- F. Duration: Shall be allowed for the period of time the suite or building on which such sign is located is actively available for sale, rental or lease. An annual renewal fee is required every 12 months.

Exception: Signs which are constructed in the following way shall not require an annual fee:

- 1. 3” minimum metal posts, with decorative finial on top of post. All exposed metal shall be painted black;
- 2. Posts shall be permanently mounted in concrete at least 12” deep in the ground;
- 3. Sign face shall be constructed of aluminum or steel panel;
- 4. Sign face shall be oriented in a vertical manner, with the short side parallel to the ground;
- 5. Sign copy shall be of block letters, with each line of copy in a uniform size; and
- 6. Signs shall be regularly maintained in sound condition and with fully legible sign copy.

- G. Placement:

- 1. Sign orientation shall be parallel to street or must be double faced if perpendicular to street.
- 2. Sign shall be separated a minimum of 50 feet from any other permanent or temporary sign.

- H. Decal or other device issued by the Building Inspection Department showing the expiration date shall be clearly displayed on the front of the ground sign.

### **151.36 MODEL HOME SIGNS.**

Model home signs shall comply with this section and all other applicable provisions of this code.

- A. Maximum height: Five (5) feet including base.
- B. Maximum area: Sixteen (16) square feet of sign copy.
- C. Maximum number: One per model home.
- D. Setback: Shall be as close to the home as possible.
- E. Construction: Shall be constructed with brick or stone matching the home surrounding all four sides of the sign.
- F. Duration: Renewable until home is sold.
- G. Placement:
  - 1. Sign orientation shall be parallel to street or must be double faced if perpendicular to street.
  - 2. Sign shall be separated a minimum of 50 feet from any other permanent or temporary sign.

### **151.37 MENU BOARDS.**

Menu boards shall comply with this section and all other applicable provisions of this code.

- A. Maximum height: Eight (8) feet including base.
- B. Maximum area: 60 square feet of sign copy.
- C. Maximum number: Two per drive-through lane.
- D. Placement: Shall be located on the driver's window side of a drive-through lane, prior to a drive-through window. Shall not be located in the required front building setback.

### **151.38 COLD AIR INFLATABLE DEVICES.**

Cold air inflatable devices shall comply with this section and all other applicable provisions of this code.

- A. General: Cold air inflatable devices are allowed for any business with a Certificate of Occupancy. Cold air inflatable devices shall be motionless, secured to the ground, and may not be mounted on buildings or structures.

- B. Maximum height: 25 feet
- C. Maximum number: One per business.
- D. Setback: Setback shall be 25' from back of curb or from edge of street pavement and shall comply with the Visibility Ordinance
- E. Placement: On the premises of the use. Shall not be located in a required parking space.
- F. Duration: Seven days, two times per year.

### **151.39 BANNERS.**

Banners shall comply with this section and all other applicable provisions of this code.

- A. Maximum area: 100 square feet. Banners shall not exceed 75% of the height and width of the placement area.
- B. Maximum number: One per business.
- C. Placement: Banners must be securely mounted to the building.

#### **Exceptions:**

- 1. Banners may be erected over city right-of-way when in conjunction with a special event permit.
  - 2. Roadway construction banners may be placed between two poles. Such banners shall be set back a minimum of fifteen (15) feet from the back of street curb or from edge of street pavement and shall comply with the Visibility Ordinance.
- D. Allowed uses: General banners and special event banners.
  - E. Duration:
    - 1. General banners – 30 days/four times per calendar year, 30 days within 90 days of C.O. issuance, for the duration of an active building permit, and for the period of time the suite or building on which such sign is located is actively available for sale, rental or lease, not to exceed one year.
    - 2. Special event banners – For the duration of the special event with a special event permit.
  - F. Decal or other device issued by the Building Inspection Department showing the expiration date shall be clearly displayed on the front of the banner.

## **151.50 STAKE SIGNS.**

Stake signs shall comply with this section and all other applicable provisions of this code.

- A. A commercial lot may have two (2) signs per tenant which comply with the following when roadway construction interferes with the usual access of the property:
  - 1. Shall be placed on private property with the consent of the property owner.
  - 2. Shall be placed at least three (3) feet from the back of curb or edge of street pavement, and shall not obstruct visibility.
  - 3. Maximum area shall be six (6) square feet.
  - 4. Maximum height shall be three (3) feet.
  - 5. Shall be constructed of durable, weather-resistant material.
  - 6. Signs may be placed for the duration of roadway construction only.
  
- B. A lot containing a single-family or two-family dwelling, or a lot owned by a Residential Property or Home Owners Association may have two (2) signs which comply with the following except as otherwise allowed by Carrollton City Code 92.32:
  - 1. Shall be placed on private property with the consent of the property owner.
  - 2. Shall be placed at least three (3) feet from the back of curb or edge of street pavement, and shall not obstruct visibility.
  - 3. Maximum area shall be six (6) square feet.
  - 4. Maximum height shall be four (4) feet.
  - 5. Shall be constructed of durable, weather-resistant material.



## **151.51 POLITICAL SIGNS.**

Political signs shall comply with this section and all other applicable provisions of this code.

A. Political signs located on private real property shall:

1. Be placed with consent of the property owner;
2. Comply with the visibility ordinance;
3. Be limited to thirty-six (36) square feet in area and eight (8) feet in height;
4. Have no illumination;
5. Have no moving elements; and
6. Shall be placed at least three (3) feet from the back of curb or edge of street pavement.

B. Political signs located on public property shall comply with the following:

1. Signs are prohibited on public property or within any right-of-way, except as provided for in Sections 61.003 or 85.036 of the Texas Election Code, both as amended.
2. A political sign placed in compliance with the Texas Election Code shall not:
  - a) Extend over or impede any public sidewalk or path;
  - b) Exceed thirty-six (36) square feet in area nor eight (8) feet in height;
  - c) Be illuminated;
  - d) Have moving elements; or
  - e) Be placed within a street or roadway median, block vehicular visibility, or block access to or mobility on the sidewalk.
3. It is a rebuttable presumption that the right-of-way ends one (1) foot from the edge of the sidewalk furthest from the back of the curb of the public street or, in rights-of-way where there is no sidewalk, ten (10) feet from the back of the curb of the public street.

4. A political sign may be located at a polling place owned by the city during the voting period not before the first day of early voting and must be removed not later than twenty-four (24) hours following the date of the election. A political sign so located at a polling place shall not:
- a) Be placed within one hundred (100) feet of an outside door through which a voter may enter the building in which a polling place is located;
  - b) Be placed in such a manner as to block vehicular visibility;
  - c) Extend over any public sidewalk or path;
  - d) Exceed thirty-six (36) square feet in area nor eight (8) feet in height;
  - e) Be illuminated; or
  - f) Have moving elements.

## **151.52 PORTABLE AND VEHICLE SIGNS.**

Portable and vehicle signs shall comply with this section and all other applicable provisions of this code.

A. General:

1. It shall be unlawful to attach any sign to a vehicle, trailer, skid, or similar mobile structure, where the primary use of such structure is to provide a base for such sign or constitute the sign itself. This provision does not restrict the identification signs on vehicles used for bona fide business activity when said vehicle is legally licensed for use in public streets.
2. Signs attached to or upon any vehicle shall be prohibited where such vehicle is allowed to remain parked in the same location or in the same vicinity, at frequent or extended periods of time, where the intent is apparent to be one of using the vehicle and signs for purposes of advertising an establishment, service or product.

B. Maximum area: Six square feet or cubic feet.

C. Placement: Signs shall not project from the front, sides or rear surfaces of any vehicle.

D. Maximum number: Not applicable.

E. Allowed uses: Vehicle identification signs in or upon a motor vehicle.

## **151.53 FLAGS AND FLAGPOLES.**

Flags and flagpoles shall comply with this section and all other applicable provisions of this code.

A. Maximum height: See the Comprehensive Zoning Ordinance of the city.

B. Maximum area: Not regulated.

C. Placement: Roof mounted flags are prohibited. Flags shall not protrude over the right-of-way. Flagpoles shall be setback a minimum of 15' from back of street curb and edge of street pavement and shall comply with the Visibility Ordinance.

D. Maximum number: Limited to three flagpoles per lot and three flags per lot.

E. Duration: Not applicable.

## **151.54 TRANSIT CENTER DISTRICT.**

The following regulations shall apply in the Transit Center District, the boundaries and sub-districts/areas of which are defined by City ordinances. (These areas are shown on the Official Zoning Map.) All other provisions of this code which are not in conflict with this section shall apply in the Transit Center District. All signs requiring a permit must first obtain Development Plan approval prior to issuance of a permit.

- A. **Intent.** Signs in the Transit Center District are intended to respond to slow moving traffic and pedestrians. They are therefore generally smaller in size than other areas of the City and shall be located in prescribed locations so that they may be easily found and interpreted.
- B. **Development Plan Approval.** Prior to obtaining a sign permit, a Development Plan must be approved by the City Manager or designee, to certify that it meets the purpose, intent and standards contained in this Code.

Development plans must include the following information:

- 1. Site plan.
- 2. Building elevations.
- 3. Sign copy and dimensions.
- 4. Setbacks from property lines if applicable.
- 5. Materials used to fabricate sign.
- 6. Information on how the sign will be illuminated, if applicable.

Denial of a Development Plan by the City Manager or designee may be appealed to the Property Standards Board if the appeal is filed with the Development Services Department within ten (10) days of the denial.

### **C. Permitted Signs**

#### **1. Monument Signs**

- a) Maximum height: Four (4) feet including base, measured from ground level.
- b) Maximum area: Fifteen (15) square feet of sign copy.
- c) Setback: Fifteen (15) feet from the back of curb.
- d) Maximum number: One (1) per lot.

- e) Construction: Sign structure shall be of brick, stone or similar materials to those used to construct the building on the same lot. Sign may include ornamental metal.
- f) Compatibility: Landscaping, existing or proposed, shall be incorporated into any proposed sign design plan.
- g) Electronic message signs are prohibited.

## **2. Projecting Signs**

- a) Horizontal projecting signs are limited to:
  - 1) Height of three (3) feet.
  - 2) Width of seven (7) feet.
  - 3) Maximum area of twenty (20) square feet.
  - 4) Minimum clearance of seven & one-half (7.5) feet measured from grade to bottom of sign.
  - 5) Signs may overhang the R.O.W. upon approval of a development plan.
- b) Vertical projecting signs are limited to:
  - 1) Height of two (2) stories of building, and must be placed above the first floor. Sign shall not extend above the roof line or top of parapet.
  - 2) Width of six (6) feet set no more than twelve (12) inches from building.
  - 3) Not allowed on building less than three (3) stories in height.
  - 4) Signs may overhang the R.O.W. upon approval of a development plan.

## **3. Wall Signs**

- a) Maximum height: Shall not extend above roof line or top of parapet.
- b) Maximum area: 100 square feet for each 50 linear feet of wall length ( $LF \div 50 \times 100 = \text{Sign area SF}$ ).

Total signage for any individual tenant shall not exceed 200 SF.

Sign area SF shall not occupy more than seventy-five (75) percent of the height and / or width of the sign placement area.

- c) Placement: Wall of the business in which the business operates or placement as approved by the City Manager or designee.
- d) Construction: Wall signs shall be constructed as individual channel letters with accompanying logo.

Exceptions:

- 1) Pan signs shall be permitted to be placed on buildings that existed prior to January 1, 2005. A pan sign shall be defined as: A sign fabricated from a .050 / .063 / .080 aluminum or steel panel containing digitally printed artwork, cut out vinyl letters and logos or reverse channel letters or logos mounted to the pan face. Pan signs may be designed with square or rounded corners and shall be externally lit.
- 2) Signs shall be permitted to be painted on the exterior walls of buildings as approved through a Development Plan. Signs may also be painted on existing roof structures integral to the design of the building that function as true roofs and that cover enclosed portions of the building. Due to the nature of such signs that accommodate the unique character of older buildings in Carrollton's downtown area, such signs will only be considered on buildings within the Old Downtown Commercial District as defined in Section 151.05.

#### **4. Awning Signs**

- a) Signage is limited to the vertical front edge of the awning with letters that are stenciled. Letters shall cover no more than 75% of the height and / or width of the front edge.
- b) Business logos no larger than eight (8) square feet may be centered in the sloped part of the awning.
- c) The height of the vertical front edge of the awning shall not exceed 1/3 of the overall awning height.

#### **5. Window Signs**

Window signs / painted window signs shall not exceed 25% of the total visible window area for any linear wall segment. Windows where the back side of display shelving storage or other fixtures are located adjacent to such windows: Windows shall be obscured a minimum of four (4) feet from grade with an opaque window film adhered to the window such that the entire back side of display shelving, storage or other fixtures are not visible through the window. If necessary for uniformity or to screen these items, the entire window may be obscured. Foil, newspaper, cardboard and other such materials placed in windows shall be prohibited.

## **6. Sandwich Board Signs**

- a) Maximum height: Four (4) feet.
- b) Maximum area: Eight (8) square feet.
- c) Placement: Only allowed on sidewalks in the Transit Center District and may not be placed closer than four (4) feet from back of curb. A minimum sidewalk width of four (4) feet shall remain free from intrusion at all times.
- d) Maximum number: One per business.
- e) Allowed uses: Menu, food & beverage specials.
- f) Duration: Temporary, during business hours only.

## **7. Banners**

- a) Placement: Securely mounted to building.
- b) Maximum height: Four (4) feet from bottom to top of banner.
- c) Maximum area: Twenty (20) square feet.
- d) Maximum number: One per business.
- e) Duration: Thirty (30) days two (2) times per calendar year.

### **Exceptions:**

- 1) Shall be allowed for the period of time the suite or building on which such sign is located is available for sale, rental or lease.
- 2) Thirty (30) days within ninety (90) days of C.O. issuance.

## **8. Ground Signs**

### **a) Vacant Lots**

- 1) Placement: One per lot.
- 2) Construction: Painted metal posts and metal sign. Must meet city design criteria for each district.
- 3) Maximum height: Six (6) feet.
- 4) Maximum sign area: Sixteen (16) square feet - sign face may not be larger than four (4) feet in any dimension.

### **b) Vacant Suites**

- 1) Placement: Inside one window per each linear wall segment of vacant suite.
- 2) Maximum height: Forty eight (48) inches.
- 3) Maximum width: Thirty (30) inches.
- 4) Maximum sign area: Eight (8) square feet.

## **9. Signs Exempt from Permit**

- a) Onsite Directional Signs: Maximum size shall be four (4) square feet, with height not to exceed two (2) feet.
- b) Covered Walkway Signs: Under covered walkways which are only visible to the sidewalk over which they hang.
- c) Sandwich Board Signs.
- d) Window Signs.
- e) Building Directory Signs: Limited to eight (8) square feet adjacent to building entry.
- f) Political Signs: See Section 151.51.
- g) District Entry Signs: Such signs placed on city property, on easements or in the R.O.W. shall be approved through a Development Plan.



## **10. Prohibited Signs**

- a) Stake Signs.
- b) Cabinet or “can” signs of any kind.

Exception: Projecting signs shall be permitted to be constructed of a metal cabinet with internal lighting.

- c) Electronic message signs of any kind.

### **D. Illumination**

Signs may be illuminated using any of the following methods:

- a) Halo lighting, where the lighting source is hidden behind a solid, opaque letter and is lighting the background wall.
- b) Up or down-lighting, where fixtures are attached to the building under or over the letters and arranged to project light upwards or downwards onto the letters. The lights must be shielded so that there is no glare projected to the street or into upper story windows. Lighting shall meet the requirements of Article XXVII Section B of the Comprehensive Zoning Ordinance.
- c) Exposed neon lighting will be reviewed and approved on an individual basis as part of the Development Plan approval, except for neon signs on the inside of windows which are permitted. Neon signs may only be approved when it can be shown that the sign does not create a nuisance to neighboring properties.

## 151.55 SPECIAL DISTRICTS.

### A. PD-169

1. **Intent and Scope:** The area defined as PD-169 was originally developed for small-lot and/or residential, rather than commercial uses. Over time, conditions changed to make the original development pattern less appropriate and desirable. This area has re-developed and/or is redeveloping into a more commercial development pattern, although the lot size, building design and other factors make it difficult or impossible to meet the standard regulations for commercial uses.

It is the intent of this subsection to establish special sign development standards for these special areas or districts, as herein defined, to provide attractive, legible and appropriate signs in PD-169.

2. **General:** the following regulations shall apply in PD-169, the boundaries and sub-districts/areas of which are defined by Ordinance 3269, as amended, and the Comprehensive Zoning Ordinance of the City of Carrollton.
3. **Area 1** (properties with Carroll Avenue addresses): all signs shall be in accordance with the requirements for Single-Family Residential Districts.
4. **Area 2** (properties with Belt Line Road addresses west of Larner Street, and 1011 Clint Street): all signs shall be in accordance with the requirements for the (LR-2) Local Retail District, except as otherwise modified below.

a) Monument Sign:

Maximum Height: Four feet including base, measured to ground level at base.

Maximum Area: Fifteen square feet of sign copy.

Maximum Number: One per lot.

Minimum Setback: Fifteen feet from the back of curb.

Construction: A Monument Sign in this area shall be of materials and design that coordinate with the materials and design of the building on the site, or shall be constructed of decorative metal or some similar durable material.

b) Ground sign: Not permitted.

c) Stake sign: Not permitted.

d) Wall sign:

Maximum Height: Not applicable.

Maximum Area: Where facing Belt Line Road (or in the case of 1011 Clint Street, where facing Clint Street), fifty (50) square feet of sign copy for each one hundred (100) linear feet of wall; six square feet of sign copy if a rear wall sign.

Maximum Number: One on the building façade facing Belt Line Road (or in the case of 1011 Clint Street, one on the building façade facing Clint Street); one on the building façade facing an off-street parking lot (considered a rear wall sign).

Placement: As approved by the City Manager or designee. Wall Signs shall not extend beyond the wall of the building either vertically or horizontally and shall not encroach upon or cover any door or window.

Construction: Shall be of materials and design that coordinate with the materials and design of the building and/or any Monument Sign on the site.

e) Miscellaneous: No sign requiring a permit shall be internally illuminated.

No sign, including Window Signs, shall display any flashing, blinking or animation.

The background color of all signs shall be black, off-white or a color which coordinates with the preponderant color of the building.

Letters shall be three-dimensionally incised or applied, and shall be black, off-white, silver, gold or copper, and shall provide strong visual contrast to the background.

Letters shall be of a simple font designed to be easily read.

Signs as described in Section 151.11 (D) of this Code are prohibited.

5. **Area 3** (1017 Clint Street): all signs shall be in accordance with the requirements for Single-Family Residential Districts.

6. **Area 4** (properties with Belt Line Road addresses east of Lerner Street and west of Josey Lane): all signs shall be in accordance with the requirements for the (SF-12/20) Single-Family Residential District, except as otherwise modified below.

a) Monument sign:

Maximum Height: Four feet including base, measured to ground level at base.

Maximum Area: Fifteen square feet of sign copy.

Maximum Number: One per lot.

Minimum Setback: Fifteen feet from the back of curb.

Construction: A Monument Sign in this area shall be of materials and design that coordinate with the materials and design of the building on the site, or shall be constructed of decorative metal or some similar durable material.

b) Ground Sign: Not permitted.

c) Stake Sign: Not permitted.

d) Wall Sign:

Maximum Height: Not applicable.

Maximum Area: Where facing Belt Line Road, fifteen square feet of sign copy; six square feet of sign copy if a Rear Wall Sign.

Maximum Number: One on the building façade facing Belt Line Road; one on the building façade facing an off-street parking lot (considered a rear wall sign).

Placement: As approved by the City Manager or designee. Wall Signs shall not extend beyond the wall of the building either vertically or horizontally and shall not encroach upon or cover any door or window.

Construction: Shall be of materials and design that coordinate with the materials and design of the building and/or any Monument Sign on the site.

- e) Miscellaneous: No sign requiring a permit shall be internally illuminated.

No sign, including Window Signs, shall display any flashing, blinking or animation.

The background color of all signs shall be black, off-white or a color which coordinates with the preponderant color of the building.

Letters shall be three-dimensionally incised or applied, and shall be black, off-white, silver, gold or copper, and shall provide strong visual contrast to the background. Letters shall be of a simple font designed to be easily read.

Signs as described in Section 151.11 (D) of this Code are prohibited.

- 7. **Planned Development:** Because this section is specifically related to a planned development district, multiple-building lot coordinated signage shall be considered in accordance with Section 151.10 (B) of this Code.

## **DESIGN AND CONSTRUCTION**

### **151.65 WIND PRESSURE AND DEAD LOAD REQUIREMENTS.**

All signs shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of area, and shall be constructed to receive dead loads as required by the current Building Code.

## **ADMINISTRATIVE**

### **151.70 NONCONFORMING SIGNS.**

Nonconforming existing signs.

- A. A sign that does not conform to the regulations prescribed in this code and that existed lawfully on the date of adoption of this chapter or amendment hereto shall be deemed a nonconforming sign. A nonconforming sign may be maintained.
- B. The right to continue all nonconforming signs shall cease and such sign shall be removed whenever:
  - 1. An approved application for Certificate of Occupancy or a Certificate of Occupancy for a change of business or ownership is issued as provided in the Comprehensive Zoning Ordinance and a sign is associated with the previous business or ownership.
  - 2. A change of occupancy classification occurs as described in the building code and a sign is associated with the classification change.
  - 3. A sign is altered, moved or relocated.
  - 4. A sign is destroyed and the cost to repair exceeds 50% of the replacement cost of the sign and support structure on the date of damage.
  - 5. A sign leans such that an angle between the sign and the ground is 70° or less.
  - 6. A sign that has fallen onto the ground.
  - 7. An occupancy change occurs as described in divisions (B) (1) or (2) of this section and an off-premise or on premise wall sign is on the property.
  - 8. A sign is modified without a permit pursuant to the provisions of this chapter.
- C. Signs designated by official action of the city as having special historic or architectural significance are exempt from division (B) of this section.
- D. A nonconforming general business sign situated on a property acquisition initiated by the city may be relocated on site provided the sign is removed or rebuilt to conform to those ordinances within two years. Relocation is limited to the same physical sign with no increase in height, area, or change in other physical attributes. The setback of the sign shall comply with the Visibility Ordinance. For purposes of this provision, "A property acquisition initiated by city" does not include right-of-way dedicated in the subdivision plat process.

## **151.71 NONCONFORMING BILLBOARDS.**

- A. General. Certain nonconforming commercial billboards may be modified to become Digital Billboards subject to the restrictions in this section.
- B. Application. The owner of the sign must submit a Digital Billboard permit application for a face modification to the Building Inspection Department together with the application fee as required for building permits. The owner of the proposed tract shall sign the application also. After the City Manager or Designee approves the Digital Billboard sign permit, the owner must apply for a demolition permit to remove sign face area in accordance with Subsection (4). The owner must complete demolition of sign face area according to the applicable ratio in Subsection (4) before the sign face is modified.
- C. Compliance required.
  - 1. Except as provided in this section, Digital Billboards must fully comply with the size, height, spacing, setback, and other restrictions in this article for relocated commercial billboards as outlined in Section 151.72.
  - 2. Digital Billboard sign support structures must be built to comply with the adopted building code of the City of Carrollton.
  - 3. Digital Billboards signs must comply with Title 43 Texas Administrative Code Sections 21.252-260 "Electronic Signs," as amended.
  - 4. Both existing and new digital signs must comply with all lighting and safety standards mandated by federal, state, or local rules or statutes, including standards adopted or amended after the date of passage of these requirements. Lighting and safety standards include brightness; message duration; and proximity of the sign to other digital displays, ramps, and interchanges.
- D. Sign face exchange ratio.
  - 1. For each digital sign face that is erected, three static full billboard sign faces within the city must be removed.
  - 2. To receive credit for the area of a conventional face removed, the conventional sign face removed must result in elimination of a sign structure (if a face is removed from a structure, the entire structure must be removed.)



E. Digital sign support structures.

1. Support structures must be entirely surrounded by a brick or stone veneer or perforated metal. Other sustainable materials having a similar appearance may be approved by the Board of Adjustment.
2. Ladders shall be integrated into the pole surround in such a way that they do not protrude beyond the face of the surround.
3. Torsion bars shall be completely screened and covered by perforated metal. No corrugated metal may be used.
4. All exposed metal shall be painted with a matte black finish.

F. Change of message. Changes of message must comply with the following:

1. Message cycle for changing messages is limited to a minimum eight (8) seconds.
2. Changes of message must be accomplished within two seconds.
3. Changes of message must occur simultaneously on the entire sign face.
4. No flashing, dimming, or brightening of message is permitted except to accommodate changes of message.

G. Due to requirements in the state law regarding spacing and placement, a maximum number of Digital Billboards will be permitted in the City. The City Manager or Designee shall stamp all Digital Billboard permit applications upon receipt and review them in order of submittal. If the City Manager or Designee determines that an application is incomplete or does not meet the requirements of this chapter, he or she shall reject the application and then review the next application. If the number of applications (which are complete and meet the requirements of this chapter) received during the period of 7:30 a.m. on September 17, 2012 (which is the first day to file an application under this section) to 5:30 p.m. on October 1, 2012 exceeds the number of Digital Billboards allowed due to state law regarding spacing and placement or any other regulation, the City Manager or Designee shall provide a lottery to distribute the permits among the acceptable applications. If required, the lottery shall occur at City Hall on October 15, 2012 at 2:00 p.m.

H. Nothing contained herein shall be construed to change the legal status of any converted commercial billboard from its current non-conforming or illegal status.

## **151.72 SIGNS ACQUIRED BY GOVERNMENTAL UNITS.**

In the event that any property in the City of Carrollton upon which a commercial billboard sign is located is fully or partially acquired by a governmental unit for widening or reconstruction of United States Interstate Highway-35E (IH-35E), or for constructing an overpass across IH-35E, the commercial billboard shall be allowed to be moved from its original location to another location along IH-35E which complies with the regulations of the State of Texas. The new location must comply with the following conditions and all other codes and ordinances of the city:

- A. An application for the new location shall be made to the Building Inspection Department together with an application fee as required for building permits. The owner of the proposed tract of land shall sign the application.
- B. The commercial billboard shall be located no further east than the western right-of-way of the Dallas Area Rapid Transit/Union Pacific Railroad tracks, except for that area 50 feet on either side of the President George Bush Turnpike right-of-way, at which location the commercial billboard may be placed no further than the eastern right-of-way of those railroad tracks. The commercial billboard shall be located no further than 750 feet west of the western right-of-way of IH-35E.
- C. The reconstructed commercial billboard shall be limited to a sign with the same physical characteristics as the original sign with no changes in area or other physical attributes. A commercial billboard currently constructed with wooden poles may be reconstructed using a single metal pole. The reconstructed commercial billboard may be increased in height only if the new location is affected by the overpass that required its removal. In that event, the sign may not be erected to exceed an overall height of 42½ feet measured from the highest point of the sign to the grade level of the ramp over IH-35E.
- D. The commercial billboard shall be located on the new site so as to provide the maximum development potential of the site. Relocated billboards shall be subject to the following setbacks:
  - 1. Five (5) feet from the new R.O.W. line to the edge of the face of the relocated billboard.
  - 2. Ten (10) feet from side property lines to any part of the billboard structure or face.
  - 3. Ten (10) feet from all buildings to any part of the billboard structure or face.
  - 4. Five hundred (500) feet from any other billboard on the same side of the highway.
- E. All relocated billboards shall meet the requirements of the city's adopted building code and must be painted with a matte black finish.
- F. Relocated billboards must comply with Title 43 Texas Administrative Code Chapter 21, as amended.

- G. Electronically displayed messages shall be prohibited except for new digital electronic billboard faces permitted under Section 151.71. Flashing or strobe lights shall be prohibited on all signs or billboards.
- H. Nothing contained herein shall be construed to change the legal status of any relocated commercial billboard from its current non-conforming or illegal status.

### **151.73 SIGNS PARTIALLY ACQUIRED BY GOVERNMENTAL UNITS.**

In the event that a commercial billboard sign is partially acquired by a governmental unit for widening or reconstruction of any right-of-way, the commercial billboard may be cut off even with the right-of-way line and allowed to remain in the same location. All permits required by ordinance shall be obtained prior to commencement of such work.

## **BOARD OF ADJUSTMENT**

### **151.80 BOARD OF ADJUSTMENT.**

- A. The Board of Adjustment (Board) shall consist of nine (9) members who are residents and taxpayers of the city of Carrollton, each to be appointed by a majority of the City Council for a term of two (2) years and removable for cause by the City Council. Vacancies shall be filled for the unexpired term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made.
- B. All cases to be heard by the Board shall always be heard by a minimum number of seven (7) members.

### **151.81 JURISDICTION OF THE BOARD OF ADJUSTMENT.**

- A. When in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the Board may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards, act upon certain items, as identified herein below.
  - 1. To hear and decide appeals where it is alleged there is an error on any order, requirement, decision or determination made by the Building Official in the enforcement of this code.
  - 2. To authorize the reconstruction of a nonconforming sign for an existing business provided such reconstruction does not, in the judgment of the Board, increase the degree of nonconformity of the sign.
  - 3. To authorize such variances where the literal enforcement of the provisions of this code would result in an unnecessary hardship, and where such variances are deemed necessary to permit a sign on a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape or slope that a sign cannot be placed on the parcel in a manner commensurate with those signs permitted on other parcels of land in the same district. The modification of the standards established in this code shall not be granted to relieve a self-created or personal hardship, nor for financial reason alone, nor shall such modification be granted to permit any person a privilege in placing a sign on a parcel of land not permitted by this code to other parcels of land in that district.
  - 4. To authorize the use of an alternate material, design standard, or method of construction, where the board finds the alternate is satisfactory and complies with the provisions of the sign code and finds that the material, design standard, or alternate method of construction is at least the equivalent of that prescribed in the code in quality, strength, effectiveness, durability and safety.

5. To authorize a special exception for one off-site temporary directional ground sign for single-family residential subdivisions. The sign is limited to 32 square feet in area, 12 feet in height and a minimum of 25 feet from any street abutting property lot lines. A sign shall be allowed only in case of a geographical hardship and for a specified time period, but not longer than three years.
6. To authorize a special exception allowing a single business to include their company logo or name on a subdivision entry sign structure when the Board determines the following:
  - a) That the granting of such special exception will be consistent with the general purpose and intent of this section, and will serve the general welfare and preserve the community interest;
  - b) The request is for a minimum subdivision size of 100 acres;
  - c) A single logo or company name is limited to the permitted subdivision entry sign structures at the one main entrance to the subdivision;
  - d) The logo or name must be subordinate to the subdivision identification sign; and
  - e) Any conditions that will secure substantially the purpose and intent of this section.
7. To authorize a special exception allowing a business wall sign increased area within the Old Downtown Commercial District as defined in Section 151.05 when the Board determines the following:
  - a) That the granting of such special exception will be consistent with the area's turn-of-the century small town Texas character in size, shape, style, color and content;
  - b) The wall sign is placed on a single tenant building with a minimum floor area of 4,000 sq. ft.
  - c) The maximum wall sign area authorized is 100 sq. ft.
  - d) The maximum number of wall signs with an area increase allowed is two per building, meeting the criteria of division (A)(6)(b) above; and
  - e) Any conditions that will secure substantially the purpose and intent of this section.
8. To authorize a special exception allowing a wall sign to be on a separate building or wall on the same premises from where the business has a Certificate of Occupancy.

9. Meritorious exceptions. In the development of these criteria, a primary objective has been ensuring against the kind of signage that has led to low visual quality. On the other hand, an equally primary objective has been guarding against signage over-control. It is not the intention of these criteria to discourage innovation. It is entirely conceivable that signage proposals could be made that, while clearly nonconforming to this chapter, and thus not allowable under these criteria, have obvious merit in not only being appropriate to the particular site or location, but also in making a positive contribution to the visual environment. Such proposals will be seriously and fairly considered by the Board of Adjustment.

B. No variance may be granted if the granting of that variance will create an unnecessary hardship upon another parcel of land. The Board is not authorized to grant a variance of the zone in which a sign is permitted. In order to make a finding of hardship and to grant a variance, the Board shall find:

1. The requested variance does not eliminate any requirement of this code and does not allow any prohibited signs or acts.
2. The hardship is not in any way the result of the applicant's own action.

The hardship is peculiar to the property of the applicant and not due to the general conditions of the neighborhood. Economic gain or loss shall never be sufficient grounds for the finding of a hardship or the granting of a variance.

#### **151.82 OPERATIONAL PROCEDURE.**

A. The Board of Adjustment shall adopt rules to govern its proceedings provided that such rules are not inconsistent with this ordinance or state law. Meetings of the Board will be held at the call of the Chairperson or at times the Board determines it necessary. All meetings shall be held in accordance with the Open Meetings Law. The Chairperson, or in his absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses.

B. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and other official actions. All records shall be immediately filed in the office of the Board and shall be a public record.

C. Appeals to the Board can be taken by any person aggrieved, or by any officer, department or board of the city affected by any decision of the Building Official relative to the enforcement of this ordinance. Such appeal shall be taken within fifteen (15) days' time after the decision has been rendered by the Building Official, by filing with the Building Official and with the Board a notice of appeal specifying the grounds thereof, and upon payment of a fee in an amount determined by the City Council. The Building Official shall forthwith transmit to the Board all of the papers constituting the records upon which the action appealed from was taken.

- D. An appeal shall stay all proceedings in furtherance of the action appealed for until the Board takes action, unless the Building Official certifies to the Board, after the notice of appeal shall have been filed, that in his opinion such stay will cause imminent peril to life. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or a court of record on application or notice to the Building Official and due cause shown. Any criminal action having been commenced in the Municipal Court shall not be stayed.
- E. No appeal to the Board for the same or a related action on the same piece of property shall be allowed prior to the expiration of six months from the previous ruling by the Board, unless other property in the immediate vicinity has within the said six months, been changed or acted on by the Board or City Council so as to alter the facts and conditions upon which the previous Board action was based, as determined by the Board. Such change of circumstances shall permit the rehearing of an appeal prior to the expiration of a six-month period, but such conditions shall not have any force in law to compel the Board after hearing, to grant a subsequent appeal; such subsequent appeal shall be considered entirely on its merits and the peculiar and specific conditions related to the property on which the appeal is brought.
- F. At a public hearing relative to an appeal, any interested party may appear before the Board in person or by agent or by attorney. The burden of proof shall be on the applicant to establish the necessary facts to warrant favorable action of the Board on any matter. Any action granting a variance authorizing the issuance of a sign permit shall be valid for only 90 days unless said permit is secured in the 90 day period and construction is commenced in accordance with the Building Code, in which event the action of the Board shall be permanent. The Board shall have the authority to extend this period. If said sign permit is not secured in the 90 days, or such period granted by the Board, the action of the Board shall become void without prejudice to a subsequent appeal and such appeal shall be subject to the same regulation and requirement for hearing as herein specified for the original appeal.

#### **151.83 ACTION OF THE BOARD OF ADJUSTMENT.**

- A. In exercising its powers, the Board may, in conformity with the provisions of the state of Texas as existing or hereafter amended, reverse or affirm, wholly or in part, or may modify the order, requirements, decision or determination appealed from and make such order, requirement, decision of determination in the Board's opinion as ought to be made and have all powers of the Building Official. The Board shall have the power to impose reasonable conditions in order to assure compliance and protect adjacent property.
- B. The concurring vote of seven (7) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Official, or to decide in favor of the applicant in any matter upon which the Board is required to act under this subchapter or to cause any variance to this chapter.

#### **151.84 NOTICE OF HEARING BEFORE THE BOARD OF ADJUSTMENT REQUIRED.**

The Board shall hold a public hearing on all applications and appeals made thereto. Such notice under this chapter shall be given not less than ten (10) days before the date set for the hearing to all parties in interest. Such notice may be served by depositing the same, properly addressed and postage paid, in the United States Post Office. Notice shall be given by publishing the same at least one (1) time in a newspaper of general circulation in the city of Carrollton at least ten (10) days prior to the date of such hearing, which notice shall state the time and place of such hearing.



## **OFFENSES; PENALTIES**

### **151.95 NOT REQUIRED TO SHOW CULPABLE MENTAL STATE.**

Allegation and evidence of a culpable mental state is not required for proof of an offense defined by this chapter.

### **151.96 PERSONS RESPONSIBLE.**

Unlawful signs found on private property shall be the responsibility of that property owner, manager, tenant, person in charge of the property, and/or any person associated with the posting of the sign or exercising control.

### **151.97 PRESUMPTION CLAUSE.**

The fact that an unlawful sign is found on public property, in rights-of-way, on utility poles or private property shall be prima facie evidence that the property owner, manager, tenant, person in charge of the property at the address; and/or any person exercising control, telephone number or Internet location on the sign unlawfully placed or who erected the sign.

### **151.98 ADMINISTRATIVE PENALTY.**

The collection of each unlawful sign within the city limits shall subject the property owner, manager, tenant and the person erecting the sign to an administrative penalty as established in Chapter 31 of the Carrollton Code of Ordinances. This penalty is assessed and collected independent of other enforcement action, including court citations.

### **151.99 PENALTY CLAUSE.**

It shall be unlawful for any person to erect a sign in violation of this chapter or conduct other activity in violation of this chapter. Any person found guilty of erecting a sign or conducting other activity in violation of this chapter shall be guilty of an offense and subject to penalties as established in 10.99 of the Carrollton Code of Ordinances. Each separate illegal sign placement and/or each day an illegal sign is posted shall be considered a separate offense.