

ORDINANCE NO. 129B

AN ORDINANCE OF THE TOWN OF ST. PAUL, COLLIN COUNTY, TEXAS, AMENDING ORDINANCE NO. 129A BY ADOPTING NEW SIGN AND LIGHT REGULATIONS; UPDATING AND FURTHER DEFINING THE REGULATION OF SIGNS AND LIGHTS IN THE TOWN AND IN THE TOWN'S EXTRATERRITORIAL JURISDICTION; PROVIDING MORE OPTIONS FOR TEMPORARY PROMOTIONAL SIGNS; PROVIDING FOR THE LARGER MONUMENT SIGNS; PROVIDING FOR SUBDIVISION SIGNS; PROVIDING FOR THE PROHIBITING OF POLE SIGNS; PROVIDING FOR THE PROHIBITING OF HAZARDOUS AND NUISANCE ILLUMINATION FROM SIGNS AND LIGHTS; PROVIDING FOR PROPER MARKINGS ON ELECTRICAL SIGNS; PROVIDING FOR SEALED DRAWINGS TO BE INCLUDED WITH PLANS SUBMITTED TO THE TOWN; PROVIDING FOR THE REMOVAL OF DILAPIDATED OR HAZARDOUS NONCONFORMING SIGNS; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of St. Paul heretofore adopted ordinance 129 and 129A addressing the issue of signs in the Town and in the extraterritorial jurisdiction of the Town; and

WHEREAS, the proliferation of signs, especially pole signs, has an adverse effect on adjacent property values and general visual pollution; and

WHEREAS, high intensity of illuminated signs and lights may cause hazards to motorists and pedestrians on adjacent thoroughfares as well as a general nuisance; and

WHEREAS, businesses need a wider range of permanent sign options as well as temporary sign options for publicizing openings, special promotions, and special announcements; and

WHEREAS, subdivisions often prefer options for permanent signs at subdivision entrances; and

WHEREAS, proper testing agency markings and engineering seals are necessary to ensure quality, safety, and compliance related to signs and illumination; and

WHEREAS, nonconforming signs that are hazardous, destroyed, deteriorated, dilapidated, or dismantled need to be properly addressed for the betterment of the Town of St. Paul at large; and

WHEREAS, consideration for granting of variances pertaining to the Sign and Light Ordinance are different from that of the Zoning Ordinance; and

WHEREAS, the St. Paul Town Council finds the need to reduce the number of variance requests for generally acceptable sign practices; and

WHEREAS, the St. Paul Town Council finds that the sign regulations should be updated and further defined so as to promote growth and protect the public health, safety, and general welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. PAUL, COLLIN COUNTY, TEXAS:

SECTION A. ADOPTION.

The “Sign and Light Regulations” attached in whole hereto as Exhibit ‘A’, and incorporated herein for all purposes, are hereby adopted.

SECTION B. REPEAL OF CONFLICTS.

All ordinances of the Town of St. Paul, Texas, that are in conflict with this Ordinance are hereby repealed.

SECTION C. SEVERABILITY.

It is the intent of the St. Paul Town Council that each paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be deemed severable and, should any such paragraph, sentence, subdivision, clause, phrase, or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of this Ordinance left standing.

SECTION D. PUBLICATION.

In accordance with Section 52.011 of the Texas Local Government Code, the caption of this Ordinance shall be published in one (1) issue of the official newspaper of the Town of St. Paul.

SECTION E. PENALTY

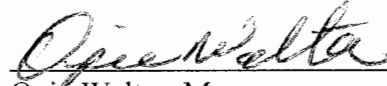
Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction fined in an amount not exceeding five hundred dollars (\$500.00) for each offense, and each day such offense continues shall be deemed to constitute a separate offense.

SECTION F. EFFECTIVE DATE.


This Ordinance shall take effect upon publication of the caption as the law in such cases provides.

APPROVED AND ADOPTED by the Town Council of the Town of St. Paul, Collin County, Texas, on this 8th day of June, 2015.

APPROVED:


Opie Walter, Mayor

ATTEST:


Robert London, Town Secretary

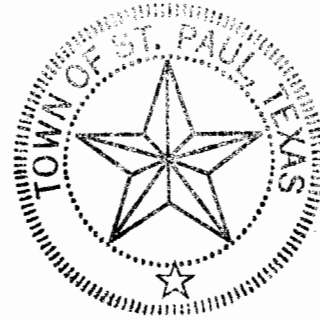


EXHIBIT ‘A’
SIGN AND LIGHT REGULATIONS
of the
TOWN OF ST. PAUL, TEXAS

Section 1 Extension of Sign Regulations into Extraterritorial Jurisdiction

The provisions of this Ordinance and the enforcement of such regulations extend to and include the extraterritorial jurisdiction (ETJ) of the Town of St. Paul as defined by the Municipal Annexation Act (Ch. 42, Local Government Code)

Section 2 Definitions

As used in this Ordinance, unless the context otherwise indicates, the following words shall have the meanings listed:

- A. “Animated Sign” means any sign having copy or other images that flash, move, or otherwise change.
- B. “Blade Sign” means a sign that is taller than it is wide, with the base generally equal to the width of the sign area.
- C. “Building Official” means the individual designated and charged by the Town with code and ordinance enforcement.
- D. “Copy” means letters, characters, illustrations, logos, graphics, symbols, writing or combination thereof designed to communicate information of any kind or to advertise, announce the purpose of, or identify the purpose of a person or entity, or to identify or advertise a business or business product, or to advertise the sale or lease of a premise.
- E. “Erect” means to build, construct, attach, hand, place, suspend or affix, and shall also include the painting of signs on the exterior surface of a building or structure.
- F. “Freestanding Sign” means any self-supporting sign connected to the ground, and which is not attached to a building for reasons of support.
- G. “Gross surface area” means the entire area within a single, continuous perimeter enclosing the extreme limits of each sign.
- H. “Height” as applied to signs, means the vertical distance measured from an average elevation of the finished grade along the area of sign installation, excluding any

artificial berm, to the highest part of the sign or its supporting structure, whichever is higher.

- I. “Illuminated Sign” means any sign which is directly lighted by an electrical or artificial light source, internal or external. This definition does not include signs that are illuminated by street lights or other light sources owned by any public agency or light source that are specifically operated for the purpose of lighting the area in which the sign is located rather than the sign itself.
- J. “Lot” means any tract of land designated as a “lot” within a subdivision or any tract of land with one or more adjacent parcels under common ownership.
- K. “Monument Sign” means any permanent low profile sign built on a monument base, solid from the ground up, which has no clear space for the full width of the sign between the bottom of the sign and the ground and is not an attached, portable or vehicular sign. Pole(s) or support(s) must be concealed.
- L. “Nonresidential Property” means all property not zoned R1.5 as defined by Town Ordinance 130; and properties zoned R1.5 with a land use type of: Church, Public Building (e.g. Fire Station, Library, Town Hall, etc.), Real Estate Office, or School.
- M. “Off-premise Sign” means a sign displaying advertising copy 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.
- N. “On-premise Sign” means a freestanding sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person or activity.
- O. “Person” means and includes any person, firm, partnership, association, corporation, company or organization of any kind.
- P. “Pole Sign” means a sign supported by a pole or poles or legs with the sign at the top.
- Q. “Portable sign” means any sign that is not securely connected to the ground in such a way that it cannot easily be moved from one location to another, including signs which are mounted on skids, trailers, wheels, legs or stakes, but not including vehicular signs, political signs, or signs that refer solely to the sale or lease of the premises.
- R. “Sign” means an outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.
- S. “Street” means a public right-of-way utilized by the public and shall include such terms as avenue, drive, circle, road, boulevard, highway, but shall not include alleys.

T. "Town" means the Town of St. Paul, Texas.

Section 3 Permitted Signs

The following classifications of signs are herein established and permitted within the Town of St. Paul and The Town's ETJ, in accordance with the following:

A. CLASS 1 – *Minor Signs*.

One (1) non-illuminated, freestanding sign shall be permitted on any lot within the Town, save and except corner lots which shall be allowed one (1) sign for each side of a corner lot that is contiguous and adjacent to a street. The gross surface area of the sign shall not exceed six (6) square feet, and the sign shall not exceed five feet (5') in height. Class 1 Minor Signs may not be mixed with Class 3 Permanent Signs on a property.

A permit is not required to erect a CLASS 1 – Minor Sign

B. CLASS 2 – *Temporary Signs*.

1. One (1) non-illuminated sign shall be permitted on Nonresidential Property or property in the Town's ETJ during construction, the opening of a new business, a special promotion, or a special announcement.
2. The gross surface area of the sign shall not exceed thirty-six (36) square feet, and the sign shall not exceed eight feet (8') in height. Each site may have a temporary sign for each 500 feet of frontage along each street the property borders. In no case shall such site have more than two temporary signs.
3. Temporary Signs for construction shall be removed on or before issuance of a certificate of occupancy, completion of construction, or installation of a permanent sign, whichever comes first.

Temporary Signs for all other purposes shall be removed after 30 days erection; and are allowed for no more than 120 days total per property per calendar year.

4. A permit is required prior to erecting a CLASS 2 – Temporary Sign.

C. CLASS 3 – *Permanent Signs*.

1. On Nonresidential Property or property in the Town's ETJ, one (1) sign related to the business or property's purpose (e.g. library, church, office building, school, etc.) may be erected on the main building of the property. For multi-tenant, shopping mall type

properties, one (1) sign identifying each separate tenant located on the premises may be erected on the building over said tenant location.

The gross surface area of the sign shall not exceed forty (40) square feet. The sign height shall not exceed twenty feet (20') or the height of the building whichever is smaller.

In addition, one (1) monument sign for the purpose of single tenant or multiple tenant business identification may be erected on each of the site's street frontage, not to exceed two monument signs per site, with the following provisions:

- a. Signs with height greater than seven feet (7') or area greater than sixty-four (64) square feet per side shall include a Town's greeting on the sign's base or structure. The Town's greeting may be up to an additional 10% of the area of the sign. The Town's greeting is defined by the town and shall be a part of any plans including the final engineering plans that are submitted to the Town.
- b. Sign height shall not exceeding twenty feet (20'), including the supporting structure.
- c. Sign area shall not exceed one hundred twenty-one (121) square feet per side, including the supporting structure.
- d. The supporting sign structure or monument base shall appear solid to the ground.
- e. The material for the base of the sign shall be masonry and complement the material and architectural style of the main building. Other materials used shall be noncombustible.

2. Subdivision Entry Signs: Subdivision entry signs must meet the following:

- a. Monument Style Subdivision entry signs
 - i. The height of the sign, including the supporting structure shall not exceed seven feet (7') in height.
 - ii. Sign area shall not exceed forty (40) square feet per side.
 - iii. The supporting sign structure shall appear solid to the ground and the sign materials shall complement the architectural style of the subdivision. Other materials used shall be noncombustible.
 - iv. Only one monument sign may be placed at each subdivision entrance bearing the subdivision's name on both sides.
 - v. Monument signs may be located in the median at the street entrance if approved by the Town Council in a license agreement or within a developer's agreement.
- b. Wall Attached Subdivision entry signs may be attached to a wall at the subdivision entrance or installed as a monument sign.
 - i. Attached signs may not project above the top of the wall on which they are attached
 - ii. The maximum sign area is forty (40) square feet.

- iii. Two Wall Attached Signs may be placed at each subdivision entrance bearing the subdivision's name.

3. A permit is required prior to erecting any Class 3 – Permanent Sign.

Section 4 General Regulations

All signs shall conform to the general regulations provided herein:

- A. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape.
- B. No sign shall be erected or maintained in such a manner as to be likely to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device.
- C. The owner of any sign as defined in this Ordinance shall maintain all parts and support of said sign in good condition to prevent deterioration, oxidation, rust, paint peeling, and other unsightly or unsafe conditions.
- D. A minimum setback of ten feet (10') from any property line or street is required on all free-standing signs.
- E. Sign(s) shall not be located so as to hazardously obstruct sight line for traffic.
- F. No sign shall be illuminated to such intensity or in such a manner as to cause a glare or brightness so as to cause hazard or nuisance.
- G. Sign illumination may not exceed 0.1 foot-candles as measured from residential property lines within view of the light source.
- H. Signs in which electrical components, wiring, or connections are used shall be listed by an Occupational Safety and Health Administration (OSHA) approved safety listing agency; and shall have the agency marking permanent affixed.
- I. Signs in which electrical components, wiring, or connections are used shall comply with the requirements of the Town's electrical and building codes. No electric wiring associated with a sign shall be visible to public view.

Section 5 Prohibited Signs and Lights

- A. The following signs or conditions are prohibited:
1. Off-premise signs including, but not limited to, temporary real estate directional signs and billboards.
 2. Signs erected or placed in any right-of-way or easement belonging to the Town or any other agency or branch of government; and whether owned in fee or by easement therein, or by prescription or limitation.
 3. Animated signs including, but not limited to, signs that flash, reflect, blink, or which effect changes in hue or intensity of illumination.
 4. Moving signs including, but not limited to, pennants, banners, streamers, signs that rotate or move, and generally, signs having parts which may be set in motion by mechanical electrical or atmospheric means.
 5. Signs which emit sound, odor, or visible matter.
 6. Portable Signs.
 7. Pole signs.
 8. Signs advertising a home-based business or occupation on a residential premises.
 9. Signs that mimic governmental traffic control or other official regulatory signs by use of similar words, symbols, colors, or other.
- B. The following lights or conditions are prohibited:
1. Lights of any kind that illuminate to such intensity or in such a manner so as to cause a glare or brightness to a degree that it constitute a hazard or nuisance.
- C. It shall be unlawful for any person to erect, cause to have erected, or allow to remain erected any sign, light, or condition prohibited in this section, and a person shall remove or correct such violation immediately upon notice by the Town.

Section 6 Exempt Signs

Except as provided herein, the following signs or conditions are exempt from these regulations.

- A. Displays of official or public notices in accordance with a court order, or local, state, or federal law.
- B. Signs located completely within an enclosed building.
- C. Governmental signs for control of traffic or other regulatory purposes: street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and/or aids to service or safety.
- D. Political signs as provided by Section 216.903 of the Local Government Code.
- E. Temporary holiday lights and decorations which are incidental, customary and commonly associated with any national, local, or religious holiday.
- F. One (1) non-illuminated sign for identification of address and/or name of the owner or occupant of a lot, tract, or parcel. The gross surface area of such a sign shall not exceed three (3) square feet.
- G. Signs on Town property with agreement adopted by Town Council.

Section 7 Removal of Signs

- A. Any sign erected after the effective date of this Ordinance that does not comply with this Ordinance shall be removed by the owner, agent or person having beneficial use of the premises within ten (10) days after the receipt of a notice to remove from the Town.
- B. Any sign which is found to be unsafe or insecure shall be removed or repaired within ten (10) days after notice to the owner or permittee. If the owner or permittee fails to act within ten (10) days, such sign may be removed by the Town at the owner's or permittee's expense. A sign which is an immediate peril to persons or property may be summarily removed by the Town without notice.
- C. The Town may, without paying compensation, require the removal of an sign or sign structure not sooner than the first anniversary of the date the business, person, or activity that the sign or sign structure advertises or identifies ceases to operate on the premises on which the sign is located. If the premises are leased, the Town may require removal of a sign not sooner than the second anniversary after the date the most recent tenant ceases to operate on the premises.

- D. A nonconforming sign (see Section 9) that is deemed by the Building Official to be hazardous, destroyed, deteriorated, dilapidated, or dismantled, in whole or in part, shall be removed within ten (10) days after notice to the owner or permittee. If the owner or permittee fails to act within ten (10) days, such sign may be removed by the Town at the owner's or permittee's expense. A sign may not be rebuilt except to conform to the provisions of this Ordinance.

Section 8 Sign Permits

- A. When a permit is required under the provisions of this Ordinance, it shall be unlawful for any person to erect, place, display, alter or relocate a sign without first obtaining a permit from the Town.
- B. Every application for a sign permit shall be accompanied by an engineer sealed drawing(s) for the planned sign together with other documents as the Building Official may require for review showing the lot lines, subdivision name, the lot and block numbers, the location of the sign on the lot, accurate dimensions of sign and lot, the means or method of illumination, if any, and such other information as may be necessary to provide for the enforcement of this Ordinance.
- C. A copy of the application and plans shall be kept in the office of the Building Official and a duplicate copy of the approved application shall be at the sign at all items during construction.
- D. The Building Official may suspend or revoke a permit issued on the basis of an applicant's material omission or misstatement of fact.

Section 9 Nonconforming Signs

- A. Lawfully constructed signs in existence on the effective date of this Ordinance shall be classified as nonconforming if in conflict with the provisions of this ordinance.
- B. A nonconforming sign shall not be altered, enlarged, extended or relocated.
- C. A nonconforming sign shall not be converted to another nonconforming sign by changing copy, except as follows: A lawfully constructed sign in existence on the effective date of this Ordinance which is designed to allow the changing of copy, such as a bulletin or message boards, joint identification tenant signs, or gasoline pricing signs, may be changed where such individual letters, numerals, or name panels are readily interchangeable.

Section 10 Appeals for Variance

The Board of Adjustment of the Town of St. Paul operating in accordance with Article 18 of the Comprehensive Zoning Ordinance of the Town of St. Paul shall review appeals and have authority to grant variances from the provisions of this Ordinance with respect to on-premises signs only when said board has made a specific finding from evidence presented that compliance with the provisions of this Ordinance will result in a substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of this Ordinance. In no event shall such authority to permit a variance include permitting a sign which is an unlawful sign under Section 5 "Prohibited Signs and Lights" above, nor permitting a commercial sign in a residential zone other than as permitted by this Ordinance, nor permitting a sign which is unsafe, nor waiving any of the permit requirements of this Ordinance. Notwithstanding the above, the board of adjustment shall not waive or vary any of the provisions of Section 9 "Nonconforming Signs".

Any appeal for variance brought under this section will be accompanied by a fee to be set by resolution of the Town Council. In any of the above cases, if the board of adjustment grants the relief requested by the applicant, it may, in specific cases, impose appropriate and reasonable conditions on the granting of such application. The decision of the board of adjustment with regard to an appeal shall be final.