

ORDINANCE NO. 414

**AN ORDINANCE ADOPTING A NEW ARTICLE VII "SIGNS" OF CHAPTER 17 "PLANNING AND LAND DEVELOPMENT" OF THE CODE OF THE CITY OF KENNEDALE, TEXAS (1991), AS AMENDED, PROVIDING FOR REGULATIONS OF SIGNS WITHIN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kennedale is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the Planning and Zoning Commission and the City Council of the City of Kennedale desire to adopt the regulations of signs within the City and its Extraterritorial Jurisdiction, as provided herein; and

**WHEREAS**, the City of Kennedale, Texas does hereby deem it advisable and in the public interest to amend the sign regulations as described herein.

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

**SECTION 1.**

Article VII, "Signs" of Chapter 17 of the Kennedale City Code is hereby amended to read as follows:

**ARTICLE VII. SIGNS**

**Sec. 17-501 Purpose and Intent**

The purpose of this article is to create the legal framework for a comprehensive and balanced system of signage in the City. These regulations are intended to provide an easy and pleasant communication between people and their environment and avoid visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. In addition to protecting the health, welfare, and safety of the community, these standards are adopted in order to:

- Maintain and enhance the aesthetics of our community;
- Enhance automobile and pedestrian safety;

- Encourage the integration of signage with landscaping and building design;
- Protect and enhance scenic views and natural landscapes;
- Protect and enhance economic viability of the City's commercial corridors by assuring aesthetic appeal to businesses and residents alike;
- Promote the use of aesthetically pleasing sign materials, colors, and types; and
- Require safe and effective signage.

**Sec. 17-502 Definitions**

**ADMINISTRATIVE OFFICIAL:** The department director appointed by the City Manager to administer this article, or the department director's designee.

**ALTER:** To change the size, shape or outline, or type of sign or to change the electrical lighting, except for the replacement of lamps not brighter than the original or the replacement of a surface panel.

**ARCHITECTURAL DETAIL:** Any projection, articulation, relief, cornice, column, change of building material, window, or door opening on any building.

**ATTACH:** To stick, tack, nail or otherwise affix a sign to any object.

**BUILDING:** A structure which has a roof supported by walls for the shelter, support, or enclosure of persons, animals, or chattel.

**CERTIFICATE OF OCCUPANCY (C.O.):** An official certificate issued by the City which indicates conformance with building, zoning, and health and safety regulations and authorizes legal use and occupancy of the premises for which it is issued.

**CIVIC ORGANIZATION:** An organization which offers community programs to citizen, City or civic affairs groups.

**FACADE:** Any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in the directions within 45 degrees of one another, they are to be considered as part of a single facade.

**FUND RAISER:** An activity that takes place for the sole purpose of raising funds to support community service organizations, public charities, or non-profit organizations.

**HEIGHT:** As applied to a sign, height shall be measured as the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and finished grade at the center of the base of the sign.

**ILLUMINATION:** The enhancement of a sign utilizing electric lights, luminous tubes or other similar means.

**KIOSK SIGN PLAZA:** Sign Structure featuring removable panels below for the purpose of directing traffic to the location of the destinations described on the removable panels.

**LOGO:** Any registered or recognized symbol, letter, or combination of symbols and letters used by an organization, individual, company, or product for advertising to identify that organization, individual, company, or product.

**MASONRY MATERIALS:** Masonry materials include brick, stucco, concrete, concrete tilt wall, stone, or other masonry or materials of equal characteristics, excluding cement fibrous siding.

**PUBLIC PROPERTY:** Any property which is owned by a governmental entity. It shall also include property for which the primary use is for the operations of a governmental entity.

**RIGHT-OF-WAY (R.O.W):** A strip of land, other than a drainage or utility easement, occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special purpose.

**SEARCHLIGHT:** A beacon of high-intensity light used to attract attention to a location.

**SETBACK:** The distance from the closest portion, whether the support or edge of the sign, to the property line.

**SIGN:** Every sign, name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, logo, balloon, streamer, valance, advertising display, poster, 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.

**SIGN, ATTACHED:** Any sign attached to, applied on, or supported by any part of a building (including canopy fascia, walls and awnings) which encloses or covers usable space.

**SIGN, BALOON:** Any inflatable sign or inflatable advertising figure.

**SIGN, BANNER:** An on premises sign made of cloth, flexible plastic or canvas material.

**SIGN, BLADE:** An attached sign oriented perpendicular to the face of the building which projects beyond the surface of the building to which it is affixed or supported.

**SIGN, Changeable Electronic Variable Message (CEVMS):** shall mean a sign which permits light to be turned on or off intermittently, or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of way that functions as a traffic control device and that is

described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

**SIGN, DEVELOPMENT/CONSTRUCTION:** A temporary on premises sign that pertains to a new development that is approved or under construction.

**SIGN, DIRECTIONAL:** A permanent on premises attached sign intended to aid in vehicular movement on the site.

**SIGN, DIRECTORY:** A permanent on-site attached or monument sign providing direction to or identifying the buildings in the development.

**SIGN, ELECTRONIC READER BOARD / MESSAGE BOARD:** means a sign composed of a matrix of individual bulbs or lights which are capable of displaying lights in a running or continuous fashion so as to provide transient pictures or information.

**SIGN, EXISTING BUILDING FOR SALE/LEASING:** An on premises sign intended to advertise a building or buildings for sale or lease after the building(s) have been occupied for a year or more.

**SIGN FACE:** The surface of one side of a sign.

**SIGN, GOVERNMENT:** A sign erected by or on behalf of a federal, state or local government or an agency thereof.

**SIGN, HOLIDAY:** Any sign that is associated with the celebration of a recognized holiday or celebration.

**SIGN, MONUMENT:** Any sign which is connected to the ground and which has no clear space for the full width of the sign between the bottom of the sign and the surface of the ground. A monument sign includes a sign face and sign structure, and may also include a sign base and sign cap.

**SIGN, OFF PREMISES:** shall mean any sign, including billboards, that advertises a business, person, activity, good, product or service not located on the premises where the sign is installed and maintained, or that directs persons to a location other than the premises where the sign is installed and maintained.

**SIGN, ON PREMISES:** Any sign, the content of which relates to the site on which it is located, referring exclusively to businesses, commodities, services, products, goods, or entertainment on the site, or the sale, lease, or construction of those sites.

**SIGN PANEL:** Any separate, single panel or piece of material containing a word or symbol, legend or individual message that is affixed to the face of a sign.

**SIGN PERMIT:** The official authorization by the City to alter, erect, or display any sign not exempted by this article.

**SIGN, POLE:** An on premises sign supported by and placed upon not more than two (2) poles.

**SIGN, POLITICAL:** A type of off premises sign which refers only to the candidates or issues involved in a political election.

**SIGN, PORTABLE:** Any sign which is not attached or affixed to the ground, a building, vehicle, or other fixed structure or object. Portable signs include those signs installed on wheels, trailers, skids, and similar mobile structures.

**SIGN, READERBOARD (manual):** A sign comprised of nonpermanent letters, numerals or symbols, which allows a change of sign copy by adding, removing or rearranging said letters, symbols or numerals.

**SIGN, ROOF:** Any sign that is:

- (1) Erected on a vertical framework supported by and located immediately and entirely over the roof of a building; or
- (2) Attached to a fascia extending above or below the projection of the fascia; or
- (3) Painted or otherwise affixed on a roof; or
- (4) Displayed above the eave line of a sloped roof or parapet of a flat roof.

**SIGN, SANDWICH BOARD:** A portable sign consisting of two panels of equal size, which are hinged at the top and placed on the ground or pavement so as to be self-supporting.

**SIGN, SPECIAL PURPOSE:** A temporary sign that is either on premises or off premises that provides identification or information pertaining to a special event or occurrence sponsored by a non-profit or civic organization.

**SIGN, SUBDIVISION ENTRY:** Any permanent on premises sign identifying a residential subdivision.

**SIGN, TEMPORARY:** Any sign 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 to be displayed for a short period of time only.

**SIGN, VEHICULAR:** Any sign which is attached to or supported by a vehicle or trailer, or is located within a vehicle and is yet visible.

**SIGN, WIND:** A temporary accessory sign which achieves movement and thus attracts attention by action of wind or moving air.

**SIGN, WINDOW:** Any sign affixed to any internal and/or external surface of a window.

SITE: A lot, tract or building pad.

WINDOW AREA, AGGREGATE: The sum total of all the window area on a facade per tenant.

### **Sec. 17-503 Administration and Enforcement**

(a) *Responsible authority.* The City Manager shall appoint the Administrative Official who shall administer and enforce the terms and conditions of this article.

(b) *Duties.* The Administrative Official shall periodically inspect each sign regulated by this article for the purpose of ascertaining whether the same is obsolete and whether it is in need of removal or repair.

(c) Whenever any work for which a permit is required by this article has been commenced or completed without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, may be collected whether or not a permit is then subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this article.

(d) The following signs shall be removed based on the determination of the Administrative Official:

- (1) If the Administrative Official determines that any sign is unsafe or insecure, or is dilapidated or deteriorated, he shall give written notice to remove or replace (in accordance with this article) said sign to the person or persons responsible for such sign.
- (2) If the permit holder, owner of the sign or owner of the site on which the sign is located fails to remove or repair the sign within ten (10) days after such notice or to file an appeal of the decision in accordance with this article, the Administrative Official is hereby authorized to cause the removal of such sign.

Nothing contained herein shall prohibit the immediate removal, without notice, of any sign or portion of a sign which is determined by the Administrative Official to be an immediate threat or danger to the public health, safety, or welfare. Any expense incident to the removal of a sign pursuant to this paragraph shall be paid by the permit holder, owner of the sign or owner of the site on which the sign is located. The removal of the sign or portion of the sign shall be limited to the extent necessary to eliminate the threat to the public health, safety, and welfare.

### **Sec. 17-504 Permit Regulations**

(a) *Permit required.* No sign, unless exempted under Section 17-515 and Section 17-516, shall be erected, displayed, or altered within the City of Kennedale without a duly approved sign permit from the City. The Administrative Official shall ensure that all sign permits are granted only in compliance with the provisions of this article.

(b) *Application for permit.* All applications for permits under this article shall include a drawing to scale of:

- (1) Sign that illustrates height, length, width, and all other dimensions associated with the sign.
- (2) All existing signs maintained on the premises and visible from the right-of-way immediately adjacent to the premises.
- (3) Position of the sign in relation to rights-of-way, easements, buildings, structures, existing signs, etc.
- (4) The plot plan or building facade indicating the proposed location of the sign; and

(c) *Owner's Consent.* All applications for permits under this article shall include the written consent of the owner of the premises, or if the owner of the premises is not the responsible party for the premises, the written consent of the responsible party.

(d) *Fees.* All fees for sign permits shall be in accordance with the current fee schedule adopted by the City Council.

(e) *Action on permit.* The Administrative Official shall review a permit application and make a decision on whether to grant or deny the permit within fourteen (14) days of submittal of a fully completed application. If additional information is required of an applicant in order to complete an application, the applicant shall be notified of that fact within fourteen (14) days. Thereafter, the Administrative Official shall make a decision on whether to grant or deny the permit within fourteen (14) days of receiving the additional information or a written certification from the applicant that the application is complete.

(f) *Permit Expiration.* If the work authorized by a permit issued under this article has not been commenced within one hundred eighty (180) days after the date of issuance, the permit shall become null and void.

(g) *Revocation of permit.* The Administrative Official may suspend or revoke any permit issued under the provisions of this article whenever it is determined that the permit is issued in error or on the basis of incorrect or false information supplied, or whenever such permit is issued in violation of any of the provisions of this article or any other article of this City or laws of this state or the federal government. 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 site upon which the sign is located. Upon such revocation, all construction related to the revoked permit shall cease.

(g) *Appeal of denial or revocation of permit.* A person may appeal the revocation of the sign permit to the Building Board of Appeals by filing an appeal in accordance with this article. The Building Board of Appeals shall affirm, reverse, or modify the suspension or revocation and such

decision shall be final. Upon final determination that the permit is properly revoked, any portion of the sign in place as a result of the permit shall be removed within 10 days by the owner of the sign or the owner of the site on which the sign is located. Failure to remove the sign shall be deemed a violation of this article.

**Sec 17-505 Temporary Signs Requiring a Permit**

Table 1: Regulations for Temporary Signs Requiring a Permit

TYPE OF SIGN	Sign Standards	Number of Signs	Duration	Other Standards
Banner	Attached to the Building Maximum Sign Area is 60 s.f. Width of Banner shall not exceed storefront width.	1 per lease space	30 Days, twice per calendar year.	Grand Opening Banners permitted in addition to the two banner permits allowed in a calendar year.
Special Purpose Sign	Attached or ground Maximum Height of 9 feet for ground signs. Maximum Sign Area is 64 s.f.	5 off premises signs and 1 on premises sign	30 Days; Must be removed within 3 days after termination of event.	For events sponsored by non-profit and civic organizations. The angle for V-shaped signs shall not exceed 90 degrees.
Balloon Signs/ Inflatable	Attached or Ground Maximum Height of 75 feet from ground to top of balloon. Balloon size cannot exceed 5' diameter.	1 per street frontage	30 days, twice per calendar year with a 60 day separation between permits.	No part of balloon or tether shall cross any property line, public ROW, or O/H utility line. The balloon must be securely attached at all times.
Search Light		Maximum one unit on premises	30 days, twice per calendar year	At or behind the property line; not to be placed on public ROW.
Wind Sign (Moving air sign)	Maximum Height of 30 feet	Maximum one unit on premises	30 days, twice per calendar year	No part of sign or apparatus shall cross any property line, public ROW, or O/H utility line. The apparatus must be securely attached at all times.

**Sec. 17-506 Exempt Temporary Signs**

(a) Local, state and national government agencies, agencies affiliated with government agencies, Kennedale Independent School District, and non-profit organizations are allowed to have temporary signs/banners for promotion of community events occurring within Kennedale

and information regarding community services occurring or operating within Kennedale in accordance with the following: (A permit is not required.)

- (1) The temporary sign/banner shall be allowed up to five (5) times per calendar year.
- (2) Signs shall be placed a maximum of seven (7) days prior to each event and shall be removed within one (1) day following the event.
- (3) One (1) temporary on-premise sign/banner not exceeding eight feet (8') in height and thirty-two (32) square feet in total area is allowed. The temporary on-premise sign/banner shall be located on the property owned by the entity requesting the sign. Only one (1) sign shall be permitted per street intersection at any given time.

### **Sec. 17-507 Permanent Signs Requiring a Permit**

#### **(a) *Sign Regulations***

- (1) Each lease or tenant space shall be permitted only one attached sign per street front with a maximum of two attached signs per tenant/lease space.
- (2) The dimensions of each of the two signs shall be based upon the street typology that the respective building facade fronts on.
- (3) Signs may be illuminated with internal lighting. No exposed neon is permitted.

#### **(b) *Monument Sign Regulations***

- (1) The sign base and sign structure shall be brick, stone, or masonry material matching the front facade of the building. The sign face shall be framed on the sides by a minimum of 6" of brick, stone, or masonry material matching the front facade of the building.
- (2) Maximum total height is measured from the finished grade at the center of the sign.
- (3) Address numbers are required on business monument signs. If the area of the address number is 5 square feet or less, the area will not count toward the maximum sign face area. The address numbers can be placed in or encroach into the masonry perimeter.

Table 2: Sign Design Standards

ZONING / / USE		SIGN TYPE	SIGN SIZE		SET BACK	NUMBER
			AREA (Sq. Ft.)	HEIGHT (Ft.)		
Residential Zoning <sup>1</sup>						
	Non - Residential Use	Attached <sup>4</sup>	0.5 Sq. Ft. per Linear Foot of Street Front; Max. 50 Sq. Ft. per Sign	Roofline	—	—
		Monument	32 Sq. Ft.	5 Ft.	None	1
Non-Residential Zoning <sup>2</sup>		Attached <sup>4</sup>	Max. 400 Sq. Ft.	Shall not exceed facade	—	2 <sup>5</sup>
		Pole	10 Sq. Ft.	10 Ft.	10 Ft.	1 <sup>3</sup>
		I-20 Frontage Road Only Pole Sign <sup>6</sup>	32 Sq. Ft.	30 Ft.	5 Ft.	
		Monument	1/2 Sq. Ft. per Linear Foot of Street Front; Max. 100 Sq. Ft. per Sign	7 Ft.	None	

Notes:

1. Zoning Districts AG, R-1, R-2, R-3, D, & OT and PD as approved
2. Zoning Districts MF, MH, C-0, C-1, C-2 & I and PD as approved
3. A lot that has more than four hundred fifty (450) feet of street frontage along a public street may have one (1) additional detached sign for each additional three hundred (300) feet or fraction thereof of frontage. Additionally, a Lot that has at least three hundred (300) feet of frontage along more than one (1) public street, other than an alley, may have a permanent detached sign along each public street.
4. The effective area of any individual or combination of attached signs shall not exceed twenty-five (25) percent of the area of the facade on which the sign is attached and the width of an individual attached sign shall not exceed seventy-five (75) percent of the width of the wall on which the sign is attached.
5. The following regulations apply:

- (a) Each lease or tenant space shall be permitted only one attached sign per street front with a maximum of two attached signs per tenant/lease space.
  - (b) The dimensions of each of the two signs shall be based upon the street typology that the respective building facade fronts on.
  - (c) Signs may be illuminated with internal lighting. No exposed neon is permitted.
6. The sign must be closer to I-20 Frontage Road right-of-way than any other right-of-way.

Table 3: Special Sign Standards

TYPE OF SIGN	Sign Standards	Number of Signs	Other Standards
Blade Sign - Attached	Maximum sign area is 8 s.f (total); 4 s.f. per sign face.	1 per lease space, permitted in addition to the 2 attached signs allowed per lease space, or in lieu of attached sign	Shall not be higher than the eave line or parapet wall of the top of the principal building; shall be a minimum of seven feet above grade when located adjacent to or projecting over a pedestrian way.
Subdivision Entry - Attached	Permitted on all streets. Maximum Sign Area is 32 s.f.	Up to 2 attached wall signs per street entrance in lieu of a subdivision entry monument sign.	
Subdivision Entry - Monument	Total Height: 6'6" Base: 18" Sign Face: 4' Sign Structure: 5' 50 s.f. per sign face; 100 s.f. per Sign Area Sign Structure Area is 70 s.f.	Two attached signs per street entrance or one monument sign per street entrance	Ground lighting where the light itself and supporting structure are not visible from public ROW. Internal lighting may be utilized for sculpted aluminum panels. Shall meet the standards herein unless approved by the Building Board of Appeals. Location: Common areas or as approved by City Council.
Electronic reader Board / Message Board Sign	Permitted only in C-1, C-2, or I Zoning. Maximum letter height is twelve (12) inches. Message board area shall not exceed twenty-five (25) percent of primary sign area.	1 per lease space	Must be component of the primary or secondary freestanding sign (either pole or monument sign). (1) Any change of pictures or information on the message board sign shall not produce the illusion of moving objects, expanding or contracting shapes, rotation or any similar effect of animation. (2) Any change of pictures or information on the message board sign shall not change more often than once each three (3) seconds for those portions of the sign which convey time or temperature, or once each ten (10) seconds for all other portions of a sign. (3) No lighted sign or message board sign shall have a luminance of greater than 300-foot candles, nor shall any such sign have a luminance greater than 200-foot candles for any portion of the sign within a circle two (2) feet in diameter. The restriction of luminance in this section shall be determined from any other premises or from any public right-of-way. (4) Any message appearing on an electronic message board shall consist of a single line of text.

## **Sec. 17-508 Wind Pressure and Deadload Requirements**

All permanent signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be constructed to receive dead loads as required by the City's currently adopted Building Code. The sign permit application must include a statement signed by the applicant which states compliance with this requirement.

## **Sec. 17-509 Other Signage**

(a) *Kiosk Sign Plazas.* The City reserves the right to enter into an agreement with private sign vendors for the provision of kiosk signs and such contract shall be approved by the City Council.

(b) *Flags.*

- (1) Official flags of government jurisdiction, flags indicating weather conditions and flags which are emblems of on-premise business firms and enterprises, and religious, charitable, public and nonprofit organizations may be erected in all zoning districts without a permit. No more than one (1) United States flag, one (1) State of Texas flag, and one (1) emblematic flag shall be permitted on a single property at the same time.
- (2) No single flag shall exceed fifty (50) square feet in area.
- (3) Flagpoles are accessory structures that are incidental to a principal use or building and shall not be permitted on vacant property without a principal use or building.
- (4) The maximum height of a flagpole in any zoning district shall be thirty-five (35) feet.
- (5) A flagpole may be located anywhere on a premise provided that the flagpole shall not be located closer than ten (10) feet to any property line or within any easement.

(c) *Multi-Tenant Signs.* Developments containing two or more businesses, whether in a single building or multiple buildings, shall share a sign structure for advertisement of multiple businesses located within the development. This provision is applicable to businesses located on the same lot upon which the sign is located. Such signs shall comply with the following:

- (1) The sites involved must be contiguous with one another, and constitute a single cohesive development;

- (2) The sign must be located on a site that one of the advertised businesses occupies;
- (3) The sign shall be designed in the overall architectural style of the buildings within the development;
- (4) The sign may be any sign type that is otherwise allowed by this article;
- (5) Private streets within the boundaries of the development are treated as public rights-of-way for purposes of this subsection;
- (6) Individual pad or lease sites, defined in an approved site plan, are treated as separate lots for purposes of this subsection ;
  - a. Businesses shall not be allowed advertising on both the multiple tenant (shared) sign and another free standing business identification sign except for signs permitted under Section 17-516;
  - b. Monument signs, used as multi-tenant signs for developments with four (4) or more tenants, may have an allowable sign area not to exceed 100 square feet.
- (7) In addition to any sign that would otherwise be allowed on a lot for business identification purposes, one additional monument sign not exceeding five feet in height and 32 square feet in area may be located at each intersection of public roadways and/or private roadways for purposes of directing traffic to various areas and businesses within the development;
- (8) All other provisions of this article shall be applicable to this sign category, including but not limited to, allowed number based on road frontage (multiple lot developments are treated as a single lot for this purpose), allowable size as a function of zoning district, spacing, illumination, materials, etc.

### **Sec. 17-510 Unified Sign Agreement**

(a) *Lots eligible for unified sign agreement.* Two (2) or more adjoining platted lots or two (2) or more platted lots that are separated only by right-of-way are considered to be a single premises for the purpose of erecting multi-tenant signs if a unified sign agreement has been signed by all property owners and is approved as to form by the City and executed in compliance with this section.

To be adjoining, lots must be platted immediately adjacent to each other and not at cross corners or connected by narrow strips of land too small to serve as emergency access easements. Lots separated by right-of-way must be directly across the right-of-way and, except for the right-of-way, must be adjoining and not at cross corners or connected

by narrow strips of land too small to serve as emergency access easements.

(b) *Criteria for approval.* In determining whether to approve multiple lots as a single premises, the City shall consider the following criteria:

- (1) All areas to be combined in the unified sign agreement must be part of a clearly defined unified commercial or business development constructed as a single destination point for customers and visitors. Attributes of a unified commercial or business development include:
  - a. Common name identification to the public;
  - b. Shared access to parking provided within the development;
  - c. Sign structures utilized for shared messages, including identification of the common name of the development; and
  - d. Physical layout of the development results in a cohesive development.
- (2) The area should not be the combination of disparate premises joined solely for the purpose of initiating a unified sign agreement.
- (3) The property proposed to utilize a unified sign agreement must have no additional pole signs within the development.
- (4) The unified sign agreement may include more than one sign, however there shall only be one unified sign agreement per development.

(c) *Allowed signs.*

- (1) Upon approval of a unified sign agreement, all existing signs shall be removed or brought into compliance with this article. All new signs constructed pursuant to the agreement shall comply with this article.
- (2) Within the area included in the unified sign agreement, spacing between multi-tenant directory signs shall be: i) for multi-tenant signs one hundred (100) square feet or less in size, not less than one hundred (100) feet to any other multi-tenant sign; ii) for multi-tenant signs between one hundred one (101) and two hundred (200) square feet in size, not less than three hundred (300) feet to any other multi-tenant sign greater than one hundred (100) square feet in size; and iii) for multi-tenant signs between two hundred one (201) and four hundred (400) square feet in size, not less than five hundred (500) feet to any other multi-tenant sign greater than one hundred (100) square feet in size.

- (3) Multi-tenant directory signs shall not exceed thirty (30) feet in height nor two hundred (200) square feet.
- (d) *Sign plan required.*
- (1) A sign plan covering the entire area included in the unified sign agreement shall be submitted for approval. The sign plan shall contain the following information:
    - a. The location, size and height of all proposed and existing signs; and
    - b. Description of development within the area of the unified sign agreement demonstrating the attributes of a unified commercial or business development as described in (b)(1).
  - (2) A copy of the sign plan shall be attached to the unified sign agreement and may be amended administratively providing the initial criteria are still met.
- (e) *Execution, amendment, termination and filing of the unified sign agreement.*
- (1) The unified sign agreement shall comply with the following:
    - a. Contain the names and addresses of the owners and the legal descriptions of all properties included in the unified sign agreement;
    - b. State that all parties agree that the properties covered by the agreement may be collectively treated as a comprehensive development for the limited purpose of determining the number, size and location of signs;
    - c. State that the agreement constitutes a covenant running with the land with respect to all properties subject to the agreement;
    - d. State that all parties agree to defend, indemnify and hold harmless the City of Kennedale from and against all claims or liabilities arising out of or in connection with the agreement;
    - e. State that the agreement will be governed by the laws of the State of Texas;
    - f. State that the agreement may be amended or terminated only in accordance with subsection (2) below;
    - g. Be approved by the city;

- h. Be signed by all owners of the properties included in the agreement and notarized;
  - i. Provide that if a lot or tract within a premise covered by a unified sign agreement is foreclosed by a lien holder whose lien predates the unified sign agreement covering the property, then the lien holder has five (5) business days to file an application for a permit for a sign not allowed under the unified sign agreement. In the absence of such filing, the property shall be considered covered by the unified sign agreement;
  - j. Be properly completed as stated herein; and
  - k. Two file-marked and recorded copies of the agreement shall be provided to the City.
- (2) A unified sign agreement may be amended or terminated as follows:
- a. The amendment or termination agreement shall be executed by all owners of the properties included in the unified sign agreement; and
  - b. The City shall administratively approve the termination agreement as to intent and form. Any signs not in compliance shall be removed or brought into compliance prior to execution of the agreement.
- (3) A unified sign agreement or an agreement to amend or terminate such an agreement is not effective until:
- a. The agreement is approved by the City;
  - b. The agreement is filed in the deed records in Tarrant county; and
  - c. Two file-marked and recorded copies of the agreement are delivered to the City.

(f) Any application for a unified sign agreement or amendment thereto, or a termination thereof, shall be accompanied by a nonrefundable fee as adopted by the City.

**Sec. 17-511 Special Sign Project Plan**

(a) In any zoning district, the owner of a tract of land may file a special sign project plan request in order to ask for a modification of any requirements that may apply to a sign under this article.

(b) An application for a special sign project plan shall be filed with the Administrative Official. The application shall include a scaled drawing of the lot, or, if unplatted, the tract which will contain:

- (1) Dimensions and property line of the lot or tract;
- (2) The location, dimensions, type, color, design style, construction material, message and height of the sign(s);
- (3) Date, scale, north point, name of property owner and name of person preparing the special sign project plan;
- (4) Location, type and size of all easements within the area covered by the special sign project plan and the volume and page number where the easements are recorded with Tarrant County Deed Records;
- (5) A list of modifications requested from this article; and
- (6) Such other information as the City may require, including but not limited to:
  - a. Location and size of points of ingress and egress to public or private streets;
  - b. Location and size of existing and proposed streets and alleys which are abutting;
  - c. Topographic information if the property is not platted and the proposed sign(s) is within fifteen (15) feet of a public or private street or alley; and
  - d. Such number of copies of this plan as the City may require.

(c) The City shall mail notice of the requested special sign project plan to all property owners as shown by the latest tax roll within two hundred (200) feet of the lot or tract, if unplatted, on which the sign(s) is proposed, at least ten (10) days prior to the hearing on the request.

(d) A request for a special sign project plan shall be heard by the Building Board of Appeals at one of their regular meetings. The Building Board of Appeals shall have the power to approve or deny the special sign project plan. The Building Board of Appeals may add, modify or delete such conditions and restrictions on the granting of a special sign project plan as they may deem to be in accordance with the purpose and intent of this article and in the interest of the public health, safety and welfare.

(e) The Building Board of Appeals shall not have the power in a special sign project plan to approve or require:

- (1) An encroachment of a sign into a public right-of-way.
- (2) A restriction on the use of the property as allowed by the underlying zoning district.

(f) In the event that the applicant, city manager, or council person objects to the action of the Building Board of Appeals in regard to a request for special sign project plan approval, such person may file with the City an appeal within ten (10) days. The city council shall hear and decide any appeals after the same notification procedures as outlined in subsection (c), and may also make any amendments, modifications, or deletions to the conditions or requirements of said special sign project plan.

(g) Approval of a special sign project plan shall not obviate the need for a sign permit.

(h) A filing fee in accordance with the most recent schedule of fees adopted by the city council shall accompany each request for a special sign project plan.

#### **Sec. 17-512 Maintenance of Signs**

Every sign in the city, regardless of whether any permit is required for such sign, shall be maintained in a safe, presentable and sound structural and operational condition at all times, including replacing malfunctioning, broken, defective, or missing parts, painting, repainting, cleaning, and performing any other acts required for the maintenance of such sign. All signs and sign supports shall be kept painted or otherwise treated to prevent rust, rot or deterioration. Signs not meeting the standards imposed by this article shall be subject to removal or repair.

#### **Sec. 17-513 Nonconforming signs**

(a) *Generally.* It is the declared purpose of this article that in time all signs shall either conform to the provisions of this article or be removed. By the passage of this article and its amendments, no presently illegal sign shall be deemed to have been legalized unless such sign complies with all current standards under the terms of this article and all other ordinances of the city. Any sign that does not conform to all provision of this article shall be a nonconforming sign if it legally existed as a conforming or nonconforming sign under prior ordinances, or an illegal sign if it did not legally exist as a conforming or nonconforming sign under prior ordinances.

(b) *Destroyed sign.* Any nonconforming sign that has been substantially destroyed or dismantled for any purpose other than maintenance shall be deemed completely destroyed if the cost of repairing the sign is more than sixty (60) percent of the cost of erecting a new sign of the same type at the same location. Under this provision, the sign shall be removed and a permit shall be required to erect a new sign.

(c) *Removal of sign by owner.* The owner of an on premises sign or sign structure and/or the owner or operator of any premises upon which an on premises sign or sign structure is located shall remove the sign or sign structure after the first anniversary of the date the business, person, or activity that the sign or sign structure identifies or advertises ceases to operate on the premises on which the sign or sign structure is located. If the premises containing the sign or sign structure is leased, the sign or sign structure shall be removed after the second anniversary after the date the most recent tenant ceases to operate on the premises.

(d) *City's removal of signs.* The Administrative Official shall cause to be removed any sign that endangers the public safety, such as an abandoned, dangerous, or materially, electrically, or structurally defective sign, or a sign requiring a permit for which no permit has been issued. The Administrative Official shall provide written notice to the permit holder or property owner that shall describe the sign and specify the violation involved and state that if the sign is not removed or the violation is not corrected within a reasonable period of time not less than ten (10) calendar days from date of issuance of the notice, the sign shall be removed in accordance with the provisions in this section. However, if the Administrative Official determines that a dangerous or defective sign may cause imminent peril to life or property, the Administrative Official may order removal on less than ten (10) days notice, or may cause the immediate removal of the sign, with notice to be given as soon as practicable after removal.

(e) *Impoundment of signs.*

(1) Signs that the city removes shall be kept by the city for fifteen (15) days after the date of removal. The owner or responsible party for the sign may recover the sign by paying a fee as follows:

- a. Five hundred dollars (\$500.00) for signs that are twelve (12) square feet or less in effective area.
- b. One thousand dollars (\$1,000.00) for signs that are larger than twelve (12) square feet in effective area.

(2) The city may dispose of signs not recovered within fifteen (15) days after impoundment in any manner the city shall elect.

(f) *Repair or renovation of nonconforming signs.*

(1) A nonconforming sign shall not be repaired, renovated or structurally altered except to bring the sign into compliance within the provisions of this article, unless the Administrative Official determines, based on evidence provided by the owner of the sign, that the cost of such repair, renovation or structural alteration will not exceed fifty (50) percent of the cost to bring the sign into compliance with the provisions of this article.

- (2) The copy or message on a nonconforming sign may not be replaced or changed due to a change in ownership or business name, or for other reasons, unless the sign is first brought into compliance with the provisions of this article.

### **Sec. 17-514 Prohibited Signs**

In addition to signs not specifically described or allowed in this article the following signs are specifically prohibited.

- (1) Signs attached to light fixtures, poles, curbs, sidewalks, gutters, streets, utility poles, public buildings, fences, railings, public telephone poles, or trees except government signs or signs erected with the permission of the City, for public purposes.
- (2) Signs which prevent free ingress to or egress from any door, window, or fire escape.
- (3) Signs erected or displayed in such a manner as to obstruct free and clear vision by vehicular traffic at any location, street, intersection, or driveway. All signs placed at any intersection shall prevent such problem by observing a visibility triangle, which is a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within the adjacent curblines and a diagonal line intersecting such curblines at points twenty-five (25) feet back from the intersection. The sight triangle shall also be applicable to drives.
- (4) Any sign which interferes with vehicular or pedestrian traffic as a result of the position, size, shape, movement, color, fashion, manner, or intensity of illumination or any other characteristics causing such interference. No person shall erect or allow to be displayed any sign in such a manner as to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, including, without limitation, signs making use of the words "stop," "go," "look," "slow," "danger," or any other similar word, phrase, symbol or character, or employ any red, yellow, green, or other colored lamp or light in such a manner as to cause confusion or otherwise interfere with vehicular or pedestrian traffic.
- (5) Signs erected or displayed on or over public right-of-way (R.O.W) or other public property, except government signs or signs erected with the permission of the City, for public purposes.
- (6) Obscene signs in which the dominant theme of material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts community standards relating to the description or representation of sexual matters or nudity, and is utterly without redeeming social value.

- (7) Portable signs, with the exception of sandwich board signs which comply with the regulations set forth in Section 17-516.
- (8) Signs with exposed neon tube, except for one (1) window sign denoting whether an establishment is open or closed.
- (9) Signs illuminated to such intensity or in such a manner as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance to traffic.
- (10) Signs that move or flash or have moving or flashing components; signs that are intermittently lighted or have changing colors; signs that revolve; or any other similarly constructed signs, except for reader board signs and wind signs as permitted under this article.
- (11) No sign shall be illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance. Moving, flashing, intermittently lighted, changing color, beacons, revolving or similarly constructed signs shall not be allowed.
- (12) No construction permit shall be issued for the erection of a new off-premises sign, including, but not limited to, a new off-premises CEVMS or the conversion of an existing non-CEVMS off-premises sign to a CEVMS.
- (13) Roof signs.
- (14) Any sign attached to a trailer, skid, or similar mobile structure, where the primary use of such structure is to provide a base for such sign or to constitute the sign itself. This provision shall not be interpreted to prohibit identification signs on vehicles used for business purposes, nor shall it be interpreted to prohibit bumper stickers.
- (15) Signs placed on property without permission of owner or agent.
- (16) Builder directional signs (except as allowed in kiosk sign plazas)
- (17) Any sign not specifically permitted by this article.

### **Sec. 17-515 Exemptions**

The following signs are exempt from the requirements of this article:

- (1) Warning and security signs, including signs placed by a public utility for the safety, welfare, or convenience of the public, including, but not limited to signs identifying high voltage, public telephone, or underground cables.

- (2) Government signs and signs for non-profit organizations sponsored by government including flags, insignia, legal notices, informational, directional, and traffic signs which are legally required or necessary to the essential functions of government agencies.
- (3) "No Dumping" and "No Trespassing" signs, less than two (2) square feet in area per sign face.
- (4) Signs in public parks placed inside ball field fencing by the City, which are intended for advertising to raise funds for recreation programs which have copy on only one face with the copy facing toward the interior of the field.
- (5) Non-illuminated names of buildings, dates of erection, monument statues, commemorative tablets and the like when carved into stone, concrete, metal, or any other permanent type of construction and made an integral part of an allowed structure or made flush to the ground. Monumental commemorative sculpture and/or graphic art in any medium and including images depicting real or allegorical persons, non-commercial themes or symbols, historical scenes and events or idealized scenes, and inscribed dedications or quotations, permanently attached to and incorporated into the overall design of all or part of one or more facades of a community center, religious institution, school, library, museum, hospital, or similar public or private, non-profit, institutional or civic structures.
- (6) Any traffic sign, public notice or warning required by federal, state, or local law, regulation, or ordinance.
- (7) Traffic control signs on private property, such as "Stop", "Yield", and similar signs, and which contain no commercial message.
- (8) Garage sale signs permitted under chapter 11, article IX, of the City Code.
- (9) Address signs no greater than five (5) square feet in area. Address signs in excess of five (5) square feet in area shall be considered attached business signs and shall be counted toward the area of signage permitted on a building facade or monument sign.
- (10) Holiday signs, lights, and decorations with no commercial message.
- (11) Scoreboards in athletic facilities.
- (12) Artwork: Signs are not to be construed as works of art or murals.

**Sec. 17-516 Limited Exemptions**

TYPE OF SIGN	Sign Standards	Number of Signs	Other Standards
Real Estate Sign  Including Model Home, Development/Construction, Subdivision Marketing, Open House, Residential Builder, Building for Sale, Leasing, and Land.	Ground Sign Maximum of 5 feet in height Maximum sign area is 32 s.f.	1 per site	Must be removed when a building permit is issued or upon sale or lease of home/building/land.
Political Election Sign	Attached or Ground Sign Maximum of 8 feet in height Maximum sign area is 72 s.f.	No limit	Signs associated with an election must be removed within 7 days after the election.
Sandwich Board Sign	Ground Sign Permitted only on property behind ROW line. Maximum of 4 feet in height Maximum sign area is 8 s.f.	1 per lease space	Sign shall be removed every day after the business is closed. Sign shall be anchored in some means to prevent displacement in high winds. A minimum of 4 feet of sidewalk shall remain clear. Chalkboards may be used for daily changing of messages. No reader boards may be used.
Window Sign	Maximum Aggregate Area* for all signage is 10% of the window area and is included in the 25% area allowed for wall signs.		Allowed in all non-residential zones and in residentially zoned districts for schools and churches only. The following shall be exempt from this limitation: <ul style="list-style-type: none"> <li>• Addresses, "closed/open" signs, hours of operation, credit card logos, real estate signs, and "now hiring" signs</li> <li>• Mannequins and storefront displays of merchandise sold.</li> <li>• Interior directory signs identifying shopping aisles and merchandise display areas.</li> </ul>

\* Aggregate sign area is defined as a sum total of all the window and interior sign area on the aggregate window area available per tenant.

**SECTION 2.**

This ordinance shall be cumulative of all provisions of ordinances and the Code of the City of Kennedale, Texas, except where the provisions of this ordinance are in direct

conflict with the provisions of such ordinances and Code, in which event the conflicting provisions of such ordinances and Code are hereby repealed.

### **SECTION 3.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

### **SECTION 4.**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

### **SECTION 5.**

All rights and remedies of the City of Kennedale are expressly saved as to any and all violations of the provisions of the Code of the City of Kennedale (1991), as amended, or any other ordinance or code provision affecting signs which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 6.**

The City Secretary of the City of Kennedale is hereby directed to publish in the official newspaper of the City of Kennedale the caption, penalty clause, publication clause and effective date clause of this ordinance as provided by Section 3.10 of the Charter of the City of Kennedale.

**SECTION 7.**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED ON THIS 9<sup>th</sup> DAY OF OCTOBER, 2008.**



*Bryan Lankhorst*  
\_\_\_\_\_  
MAYOR

*Kathy Turner*  
\_\_\_\_\_  
CITY SECRETARY

EFFECTIVE: 10-17-2008

APPROVED AS TO FORM AND LEGALITY:

*W. Oe*  
\_\_\_\_\_  
CITY ATTORNEY