

MEMORANDUM

DATE: December 3, 2019

TO: Mayor & City Council
CC: Mercy Rushing, City Manager

FROM: David Madsen

SUBJECT: **Council Meeting Agenda Item:** Public Hearing for zoning amendment

Background Information: We will hold a public hearing on a request for a zoning amendment to allow Off-Premise signs within the city limits. **Section 6-8, D, 7** of our current ordinance prohibits signs that advertise a business to be located on property where the business is not conducted. This request was submitted for one sign in particular. The sign on South Pacific advertising fired pies is in violation of our ordinance. The owner of the sign, Sheila Parker, was contacted in May of this year and was advised of the violation. She said it would be moved if we could allow her to wait until the area to where she was moving had dried out because of all the rain we were getting at the time. The City waited until the end of summer but the sign was not moved. While the violation notice was in the process of being processed, Mrs. Parker had an employee request a zoning amendment to allow these type of signs. The violation is on hold while this request is being heard. Typically, these type of zoning amendments cannot be for a single piece of property but are for city wide regulations. If this ordinance is passed, it means that the city would allow Off-Premise signs anywhere that commercial signs are currently allowed. The Planning and Zoning Board felt that this would eventually lead to an overabundance of signage cluttering up our city, which was the reason for the regulation in the first place. They also felt that the ordinance should not be passed just to keep someone from being in violation.

Recommendation: The Planning & Zoning Commission recommends that the request for this zoning amendment be denied.

Final Disposition:

The regulations established in this section are intended to provide minimum standards to safeguard life, property, and public welfare, and to regulate and control the use, materials, construction, location, number, maintenance, and the permitting of certain onsite signs and sign structures. In addition, the Ordinance is intended to enhance the beauty of the City by limiting visual clutter. The provisions of this section are not intended to permit a violation of any provision of any other ordinance or federal or state law.

A. GENERAL STANDARDS

1. Height of signs: Sign height shall be measured from ground level at the base of the sign to the highest part of the sign.
2. Building & electrical codes applicable: All signs must conform to the regulations and design standards of the Building Code and other ordinances of the City of Mineola. Wiring of all electrical signs must conform to the electric code of the City of Mineola.
3. Illumination of signs: Signs shall be designed, located, shielded, and directed to prevent the casting of glare or direct light from artificial illumination upon adjacent public right-of-way and surrounding property.
4. Requirement to repair: Whenever a sign is damaged by wind, is inadequately maintained, is of faulty construction, or is damaged by any other cause, it shall be considered a public nuisance and the owner shall be required to repair such sign to its original condition or, at the owner's election, such sign shall be removed. A sign which has been permitted to remain in place as a nonconforming use shall be removed when the sign, or a part of it, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other material on the sign. For purposes of this ordinance, a sign or a substantial part of it is considered to have been destroyed if the cost of repairing the sign is more than 50% of the cost of erecting a new sign of the same type at the same location.
5. Placement of signs: No sign may be erected or placed on public right-of-way. Any signs so erected or placed may be removed by the designated official without notice. No sign may be erected or placed on vacant lots or tracts unless written permission has been given by the property owner and such documentation is provided to the designated City Official.
6. Visual Obstruction: No sign shall, as determined by the City Administrator/Manager or a designee, be erected which constitutes an obstruction of view to operators of motor vehicles on public streets or entering such streets from private property.
7. Visibility triangle: No permanent or temporary sign shall be located to block visibility at any intersection of public roadways or intersection of public roadway with a private drive.
8. Noncommercial messages: Any sign authorized in this Ordinance is allowed to contain a noncommercial message in place of any other authorized message.
9. Authority to Enforce: The City Administrator/Manager is hereby authorized and directed to enforce the provisions of this ordinance and may order the removal of any sign erected or maintained in violation of this ordinance. He shall give thirty (30) days notice in writing to the owner of such sign or of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance. He may remove a sign at cost to

the owner, immediately and without notice, if, in his opinion, which shall be final, the sign presents an immediate threat of danger to the safety of the public.

Abandoned Signs: A sign shall be deemed abandoned when use of the sign ceases for a period of six months. All abandoned signs and their supports shall be removed upon notice from the City, within thirty (30) days upon notice. All damaged signs shall be repaired or removed within thirty (30) days, upon notice from the City.

B. PERMANENT SIGNS TABLE

No permanent sign shall be erected, placed, displayed or located except in accordance with the following table:

Permanent Signs Table						
TYPE OF SIGN	DISTRICTS PERMITTED	MAXIMUM AREA	MAXIMUM HEIGHT	NUMBER OF SIGNS	REQUIREMENTS	SETBACK
Primary Wall (Attached)	Non-residential "C1", "C2", and "I"	10% of Primary wall area, only, 200 s.f. maximum	Top of parapet wall or roof eave height	Signage area can be composed of multiple signs	Only on 2 walls & no rear walls	
Secondary Wall (Attached)	Non-residential "C1", "C2", and "I"	50% of allowed Primary wall sign area, 100 s.f. maximum	Top of parapet wall or roof eave height	1 sign per secondary wall	Only on 2 walls & no rear walls	
Pole and Pylon	All non-residential uses and zoning districts <u>except</u> the MU district	Max. 300 sq. ft. St. Hwy Max. 200 sq. ft. all others	Min. 30' all locations 10' minimum from bottom of sign to ground	One sign per premise or per street frontage	Cannot be used with any other sign on premises; min. 50' from adjacent premises	10' – any part of sign
Individual Freestanding Monument	Non-residential "C1", "C2", "MU", "I"	80 s.f.	8 ft.	2 freestanding signs per street frontage, 4 maximum	Only monument signs, no pole signs	10' – any part of sign
Multi-tenant Freestanding Monument	Non-residential "C1", "C2", and "I"	32 s.f. per business	25 ft.	1 freestanding sign per street frontage, 2 maximum	Only monument signs, no pole signs	
Canopy sign (covering gas pumps, drive thru lanes or parking areas)	Non-residential "C1", "C2", and "I"	32 s.f.	Top of canopy fascia	On 2 sides of canopy only	Canopies <u>not</u> considered separate buildings for signage purposes	
Multifamily Entry Monument	Multifamily: "MF" districts	80 s.f.	7 ft.	1 per entrance	Lighting allowed	
Subdivision Entry Monument	Residential: "SF-12", "SF-7", "MU", and "MH"	50 s.f. each	7 ft.	1 <u>pair</u> per "main" entrance	Lighting allowed	
Reader Board	Non-residential "C1", "C2", and "I"	50 s.f.	7 ft. for freestanding, or on wall or face of primary structure	1 per premise	Lighting allowed and movable letters allowed	

C. TEMPORARY SIGNS TABLE

No temporary sign shall be erected, placed, displayed, or located except in accordance with the following table:

Temporary Signs Table					
TYPE OF SIGN	DISTRICTS PERMITTED	MAXIMUM AREA	MAXIMUM HEIGHT	TIME LIMIT	REQUIREMENTS
Horizontal Banner	Non-residential "C1", "C2", and "I"	50 s.f.	Highest point of roof, Attached to building	20 days per year,	Only one allowed, No lighting
Vertical Banner	Non-residential "C1", "C2", and "I"	32 s.f.	25 ft. max., 6 ft. min. to bottom of vertical banner	20 days per year	50 ft. min. spacing, 100 ft. min. street frontage, 25' min. to side prop. Line
New Business "Coming Soon"	Non-residential "C1", "C2", and "I"	32 s.f.	Highest point of roof, Attached to building	During lease space finish out, 60 day max. or 30 day max. with no finish out	1 sign per lease space, on building, No lighting
New Business "Now Open"	MF-18, MF-24, Non-residential "C1", "C2", and "I"	32 s.f.	Highest point of roof, Attached to building	30 days from C.O.	Must be affixed to store front
Pennants	Not Permittable				
Balloons over 24" diameter	"MF-18", "MF-24", Non-residential "C1", "C2", and "I"	Not applicable	50 ft.	14 days	Only during Special Events or Grand Openings
Inflatable objects	"C1", "C2", and "I"	Not applicable	50 ft.	14 days	Only during Special Events or Grand Openings
Weekend Builders Advertising	All	6 s.f.	3 ft.	12 noon Friday till 12 noon Monday, except holidays	25 max., 5 ft. from curb, 200 ft. or 1 block apart, 40 ft. min. from intersection, No lighting
Political	All	---	---	---	As permitted by applicable state law
Church, charity & civic, <u>On</u> -Premises	All	32 s.f.	15 ft.	10 days prior to event & during event, 30 days max.	On private property, not on R.O.W., No lighting, Removed 24 hr. after event

Temporary Signs Table

TYPE OF SIGN	DISTRICTS PERMITTED	MAXIMUM AREA	MAXIMUM HEIGHT	TIME LIMIT	REQUIREMENTS
Church, charity/civic, <u>Of f</u> -Premises	All	12 s.f.	3 ft.	10 days prior event & during event, 30 days max.	On private property, not on R.O.W., No lighting, Removed 24 hr. after event
US, Texas or Patriotic Flag	All	32 s.f.	25 ft.	Not applicable	1 per flag type, No spacing requirements
Decorative Flag (color only, Logo allowed, no text allowed)	"MF-18", "MF-24" & "I"	6 s.f.	25 ft. max., 6 ft. min. to bottom of flag	Not applicable	Street frontage 0-150' 4 flags 151-200' 5 flags 201-250' 6 flags 251-300' 7 flags Over 300' 8 flags
Real Estate Land Sale	All	100 s.f.	15 ft.	Remove prior to development	1 acre min., 2 sign max., 1 sign per frontage, No lighting
Residential Construction	Residential: "SF-12", "SF-7", "MU", "MH", & "MF-18", "MF-24"	100 s.f.	15 ft.	Till project 80% complete	1 sign per major existing street frontage, No lighting
Multifamily Units for Rent or Lease Banner	"MF-18", "MF-24"	32 s.f.	Highest point of roof on building, or 15 ft. max. for free-standing signs	60 days per year, in 10 day periods	1 per street frontage maximum 2, No lighting allowed
New Commercial Building	Non-residential "C1", "C2", and "I"	100 s.f.	15 ft.	Till 80% complete	1 sign per major ex. street frontage, Lighting allowed
Portable	Non-residential "C1", "C2", and "I"	25 s.f. /side	8 ft. from ground at base of sign	15 day max. display with 90 days between display	80 ft. from any other portable sign

D. PROHIBITED SIGNS

The following signs are prohibited from installation, construction, repair, alteration, or relocation within the City, except as otherwise permitted in this Ordinance:

1. Roof signs
2. Unless permitted in Heritage Overlay Zone, portable signs, "A" Frame Signs, or Sandwich Board Signs except as used by Agencies and Departments of the City of Mineola for public service/safety announcements or information and then only with the approval of the Mayor or his/her designee.
3. Moving, flashing, animated, or rotating signs, signs with moving lights, or signs which create the illusion of movement, except for reader boards which convey a message.
4. Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property. However, this does not prohibit signs placed on vehicles and trailers that are incidental to the primary use or ownership of the vehicle or trailer as transportation.
5. Signs attached to utility poles or other surfaces which are not the property of the utility or serve a public purpose located within a public right-of-way or easement.
6. Permanent off-premise signs, as defined by the Highway Beautification Act.
7. Off premise signs: Off premise signs shall be prohibited in the City of Mineola, with the exception of builder's directional signs or instructional signs, when written permission has been given by the property owner and such documentation is provided to the designated City Official.
8. Painted signs: No sign shall be permitted to be painted on the wall of any building or on any part of a building.

E. ONSITE SIGNS EXEMPT FROM REGULATION

The following onsite signs are exempt from the provisions and regulations of this section:

1. Public signs. Signs required by governmental bodies or specifically authorized for a public purpose by any law, statute, or ordinance. Such public signs may be of any type, number, area, height, location, or illumination as required by law, statute, or ordinance.
2. Signs on vehicles. Signs placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer as transportation.
3. Warning signs. Signs warning the public of the existence of danger but containing no advertising material; to be removed within three days upon the subsidence of danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of danger.
4. Flags. Flags of governmental entities or non-profit organizations. Nothing in this Ordinance shall be construed to prevent the display of a national or state flag, or to limit flags, insignias, or legal notices, or informational, directional, or traffic signs which are legally required and necessary to the essential functions of government agencies.

5. Governmental signs. Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.
6. Address numerals. Address numerals and other signs required to be maintained by law or governmental order, rule, or regulation are allowed, provided that the content and size of the sign do not exceed the requirements of such law, order, rule, or regulation.
7. Athletic signs. Signs used as scoreboards in athletic stadiums.
8. Directional signs. Signs which direct vehicles and pedestrian traffic, which may display arrows, words, or other symbols to indicate direction of facilities.
9. Directory signs. Signs which are located in or adjacent to entrances or foyers.
10. Instructional signs. Signs providing no advertising of any kind, which provide direction or instruction to guide persons to facilities intended to serve the public, including but not specifically limited to the signs identifying restrooms, public telephones, public walkways, parking areas, and other similar facilities.

F. PERMIT REQUIREMENTS

Except as herein provided, no permanent onsite sign shall be erected, placed, displayed or located without first obtaining a sign permit from the City.

1. Application for Permit: Application for a permit for a permanent sign shall be made in writing upon forms furnished by the Administrative Official. Such application shall contain the location by street and address number of the proposed sign, height, area, sign function, as well as the name, address and phone number of the owner and sign contractor or erector. The Administrative Official may require the filing of plans or other pertinent information which, in the Administrative Official's opinion, is necessary to ensure compliance with this Ordinance.
2. Termination of Permit: A sign permit may be terminated in accordance with the following provisions:
 - a. A permit shall be active for the life of the sign, as long as it is in compliance with this Ordinance.
 - b. A permit shall be terminated if the sign for which it has been issued has not been constructed within one year from the date of issuance.
 - c. A permit issued for any sign including its supporting structure shall automatically terminate in the event the sign shall fail and not be corrected within 60 days.
3. Permit Fees: A sign permit fee shall be paid to the City in accordance with the most current fee schedule adopted by the City.

G. NONCONFORMING ONSITE SIGNS

Any existing onsite sign that does not conform to the regulations stated herein shall be deemed a nonconforming sign and shall be subject to the provisions of nonconforming uses as provided in the City of Mineola Zoning Ordinance. It is the declared purpose of this section that nonconforming signs and signs directing attention to nonconforming uses eventually discontinue and the signage comply with the regulations stated herein, having due regard for the investment in such signs.

H. REMOVAL OF NONCONFORMING ONSITE SIGNS

The City Council may order nonconforming onsite signs which (1) are permanently affixed to the ground on the effective date of this Ordinance, (2) were erected in conformity with City ordinances in effect at the time of their erection and (3) remain in place after six months from the effective date of this Ordinance, to be removed upon and subject to compliance with Chapter 216, Texas Local Government Code.

I. ONSITE SIGNS FOR A NONCONFORMING USE

Any lawfully existing nonconforming use or building may erect and maintain a sign in accordance with the regulations contained herein.

J. MERITORIOUS EXCEPTIONS AND APPEALS

1. Generally, 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 Article 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.
2. Upon request of an interested party, the City Council, upon recommendation by the Planning and Zoning Commission, shall hear and shall seriously and fairly consider a request for a meritorious exception under this section.

K. PROHIBITION.....

All onsite signs not specifically authorized herein are prohibited. The Administrative Official shall have the authority to remove any sign in violation of this Ordinance which is not permanently affixed to the ground on the effective date of this Ordinance.

L. SIGNAGE DEFINITIONS

For the purposes of this section, the following definitions shall apply:

Area of Sign. The total area within the extreme rectangular perimeter of the attraction area intended to draw attention to the sign. Supporting structures shall not be included in calculations. The area of the sign with two faces, approximately opposed, shall be that of the larger face if such condition prevails; but, if the angle between the panes of the opposing faces exceeds 30 degrees, the total area of both faces shall be considered the sign area. For multisided or circular signs, the calculation shall include all of the projected area.

Awning. An architectural projection which provides weather protection, identity, or decoration, and is supported by the building to which it is attached. It is composed of a lightweight rigid or retractable skeleton structure over which another cover is attached, which may be of fabric or other material. Such sign may be raised or retracted to a position against the building, and may be illuminated.

Banner. A sign made of paper, plastic, or fabric, with or without a frame, containing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric. Banner does not include a flag.

Billboard. A sign which directs attention to a business, person, organization, activity, event, place, commodity, product, or service conducted, sold, or offered at a location other than the premises on which the sign is located.

Builder's Directional Sign. A temporary sign which provides direction or instruction to guide persons to sites where new homes are under construction, usually off-premise.

Canopy. A structure made of metal or other material with a frame supported by either one or more columns or the building to which it is accessory, and which is open on two or more sides.

Construction Sign. A temporary sign identifying individuals or companies involved in design, construction, wrecking, financing, or improvements of the premises where work is under construction.

Directory Sign. A sign which indicates the name and/or address of the tenants or occupants, the address of the premises, and/or identification of any business or occupation which may exist on the premises.

Directional Sign: A pole or ground sign that directs vehicular traffic. The sign may display arrows, words, or other symbols to indicate direction of facilities. No goods or services for sale may be listed.

External Illumination. Illumination of a sign by an artificial source of light which is not contained within the sign itself.

Flag. Any fabric containing distinctive color, pattern, or symbols, used as a symbol of a government, political subdivision, non-profit organization, or corporation that is flown from flagpoles.

Flashing Sign. An illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when the sign is illuminated. For the purpose of this ordinance, any moving illuminated sign affected by intermittent lighting shall be deemed to be a flashing sign.

Gross Surface Area. The area of the smallest rectangle enclosing the extreme limits of characters, lettering, illustrations, ornamentation, or other fixtures, material, or color forming part of the sign. Structural supports bearing no sign copy shall not be included in gross surface area; however, if any portion of the required structural supports becomes enclosed for decorative or architectural purposes, that portion will be included in the total gross surface area of the sign. Gross surface area shall be measured on one side only of a two faced (back to back) sign carrying the same image and message on both faces. Two-faced signs carrying different messages and images on each side shall be considered as separate signs.

Ground Sign. A sign not wholly supported on a building by two or more columns, poles, uprights, or braces which has its main supporting structure depending on the ground for attachment.

Illuminated Sign. A sign which has characters, letters, figures, or designs illuminated by electric lights, luminous tubes, or other means that are specifically placed to draw attention to, or provide night time viewing of, the subject matter on the sign face.

Illumination, External. Lighting by means of an unshielded light source (including neon tubing) which is effectively visible as an external part of the sign.

Illumination, Internal. Lighting by means of a light, which is within a sign having translucent background, silhouetting opaque letters, or designs, on which letters or designs are placed, which are themselves made of translucent material.

Incidental Signs. Small signs of a non-commercial nature, intended primarily for convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, directions, help wanted, public telephones, and so forth.

Inflatable Sign. Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

Instructional Sign. A sign limited to directional messages, principally for pedestrian and vehicular traffic, such as one-way, entrance, and exit.

Logo. Any design or insignia of an organization, individual, company, or product which is commonly used in advertising to identify that organization, individual, company, or product.

Marquee. Any hood or awning or permanent construction projecting from the wall of a building or other structure containing either permanent or changeable advertising.

Menu Board. A sign displaying the menu for a drive-up window for a food establishment.

Monument Sign. A permanent ground sign generally constructed out of brick, stone, or cast concrete supported on a concrete foundation across the entire base of the structure.

Moving Sign. A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the movement of parts or through the impression of movement, including automatic electronically controlled copy changes, but not including flags, banners, or pennants.

Nameplate Sign. An on-premise non-illuminated sign identifying only the name, address, and/or profession of the occupant of the premises on which the sign is located.

Off-Premise Sign. A sign which directs attention to a business, person, organization, activity, event, place, commodity, product or service not conducted, sold, or offered upon the premise on which the sign is located.

On-Premise Sign. A sign which promotes or advertises a business, person, organization, activity, event, place, commodity, product, or service which is conducted, sold, or offered upon the premise where the sign is located.

Pennant. A wind device usually made of lightweight plastic, fabric, or other material whether or not containing a message of any kind, usually triangular in shape and attached to a single cord.

Permanent Sign. A sign which is fixed in nature that is erected, affixed, or maintained on a premises for a period of time which is regulated by Table 1, Schedule for Permanent Signs.

Pole Sign (also called pylon sign). A freestanding ground sign supported by one or more poles columns, uprights, or braces placed in or upon the ground and having no guys or braces to the ground or to any other structure.

Political sign: A temporary sign, that contains primarily a political message pertaining to any national, state, county, or local election that supports or opposes an announced candidate, political party, or issue of political significance. Such sign shall be governed solely by applicable

state laws. "Political sign" does not include a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.

Portable Sign. Any temporary sign supported by the ground but not attached to the ground, which can be regularly moved from a location at periodic intervals, and which is located upon the premises where the business, profession, activity, commodity, service, or entertainment referred to by the sign is located. The term "portable sign" shall include the following:

A sign which is mounted on a trailer or wheels or is part of a trailer and by its design can be towed from one location to another by the use of attached wheels or by attaching an axle to existing mounts;

An "A-frame" type sign;

A sign affixed by pole or poles to a portable base made of wood, metal, or concrete;

A sign suspended or attached to a stand with an inverted "T" base; and

Any sign that the base is inserted into a sleeve mounted or driven into the ground, which can be easily extracted from, said sleeve by simply lifting or removing bolts.

Premises. A lot or tract, or a combination of contiguous lots or unplatted tracts if the lots or tracts or combination are under a single ownership and are reflected in the plat or deed records of Wood County. Multi-tenant locations shall be considered as being one premise.

Projecting Sign. A sign suspended from a building or structure and projecting out more than one foot.

Pylon Sign. See pole sign.

Qualified Street Frontage. The width of property along the street of a commercial or industrial development which bears the address of the property.

Reader Board Sign. A sign comprised of non-permanent letters, numerals, or symbols which may be changed by adding, removing, or rearranging the letters, numerals, or symbols, either manually or electronically.

Real Estate Sign. A sign relating to the sale, lease or rental of the premises upon which such a sign is placed.

Roof Sign. A sign mounted upon, against, or directly above the roof or parapet line of a building or structure, or that is wholly dependent upon a building for support, and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sandwich Board Sign. An advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top, each angular face held at an appropriate distance by a supporting member.

Search Light. A large outdoor lighting apparatus used to attract attention to a business or a specific location.

Secondary Sign. A sign located on-premise identifying individual uses in a mixed-use multi-tenant commercial shopping center.

Sight Triangle. An area of unobstructed visibility on either corner of a street and/or driveway of at least 25 feet in any direction.

Sign. Any name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, logo, balloon, streamer, valance, advertising display, poster, beacon, light, or insignia, illuminated or non-illuminated, affixed directly or indirectly to or upon any building, window, door, or outdoor structure, which is visible to the general public and calls attention to any business, person, organization, event, commodity, object, product, service, place, or activity, including any permanently installed or situated merchandise or facsimile.

Street Grade. The average elevation of the projected corners of a property, adjacent to a dedicated street right-of-way or roadway easement, the elevation of the corners being measured at the top of the curb, or the centerline of the street if no curb is present.

Suspended Sign: A sign that is suspended, parallel, or perpendicular from a building wall, façade, canopy, porch or free standing poles by means of brackets, hooks, or chains and the like.

Temporary Event. An event such as a "grand opening," or a "going out of business sale" which lasts for a period of time not to exceed 60 days

Temporary Sign. A non-permanent sign designed or intended to be displayed for a short period of time erected, affixed, or maintained on a premise. Trailer and portable signs are classified as temporary signs.

Vehicular Sign. Any sign, not including bumper stickers, on or in a vehicle moving along the ground or on any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs which are being transported to a site of permanent erection or lettering of company vehicle that advertises only the company name, address, and/or logo, or temporary signs (with an area less than 3 feet) attached to vehicles which may be removed daily.

Wall Sign. A sign attached or affixed to an exterior wall of a building or structure or dependent upon a building for support, with the exposed face of the sign located in a place substantially parallel to the exterior building wall to which it is attached or by which it is supported, and not extending more than 12 inches from said wall. A wall sign shall be constructed so that copy is replaced without removing the sign face from the wall. A wall sign shall not extend above the wall or parapet to which the sign is attached. For the purpose of this section, awnings, canopy fascias, mansards extending along a building side shall be considered a part of the wall.

Warning Sign. A sign containing no advertising material, warning the public of the existence of danger.

Window Sign. A sign attached to, placed upon, or painted on the exterior or interior of a window or door of a building, which is intended for public viewing from the exterior of such building.

Yard Sign. Any sign of a temporary nature other than a development, real estate, builders or construction sign, which includes the advertisement of a service which has been performed on premise, or construction / repair that has been performed on premises.

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AN ORDINANCE OF THE CITY OF MINEOLA, TEXAS AMENDING THE CITY ZONING ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Mineola, as an incorporated municipality in the State of Texas, has been given the authority by Chapter 211 of the Local Government Code to establish zoning and amend zoning in accordance with Chapter 211; and

WHEREAS, the City Council of the City of Mineola has heretofore adopted zoning ordinances for the City of Mineola, Texas, which regulates and restricts the location and use of buildings, structures, and land for trade, industry, residence, and other purposes, and provides for the establishment of zoning districts of such number, shape, and area as may be best suited to carry out these regulations; and

WHEREAS, all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication, and procedural requirements for zoning of property have been complied with; and

WHEREAS, a public hearing was held by the City Council of the City of Mineola on December 16, 2019, and a recommendation has been received from the Planning and Zoning Commission with respect to the amendments described herein; and

WHEREAS, the City Council of the City of Mineola does hereby deem it advisable and in the public interest to amend the Zoning Ordinances of the City of Mineola, Texas, so that henceforth and hereafter the Zoning Ordinance is amended;

THEREFORE, BE IT ORDAINED by the City Council of the City of Mineola, Texas, as follows:

Section 1

The City of Mineola Zoning Ordinance is hereby amended by deleting Section 6-8, D, 7 (Off-Premise signs).

Section 2

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Mineola, and this ordinance shall not operate to repeal or affect the Code of Ordinances of the City of Mineola or any other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such Code of Ordinances or any other ordinances are hereby repealed.

Section 3

It is hereby declared to be the intention of the Mineola 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 or competent jurisdiction, such unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since 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, association of persons, corporation, or other organization violating the provisions of this ordinance shall be deemed to be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2000.00 per offense. Each day that a violation occurs shall be deemed a separate offense.

Section 5

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

Passed and approved by the Mineola City Council on the 16th day of December, 2019 and effective upon passage.

Mayor Kevin White

Cindy Karch, City Secretary/Finance Director