

DATE: December 20, 2011
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 19, 2011

**AGENDA ITEM NO. 8 - PUBLIC HEARING
ZONING CASE 2011-38
APPLICANT: CITY OF PLANO**

Request to amend Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance pertaining to municipal marketing signs.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

STIPULATIONS:

Recommended for approval as follows: (Additions shown as underlined text and deletions as strike through text)

Amend Subsection 3.1602 (Definitions) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) to include the following definition:

Sign - Municipal Marketing - A sign located on city property that is permitted pursuant to a Marketing Partnership Agreement between the City of Plano and a sponsor, donor, or partner pursuant to the City of Plano Marketing Partnership Policy, Section 140.000 of the City of Plano Policies and Procedures as the same may be amended from time to time. Municipal marketing signs shall comply with Subsection 3.1603 (Design and Construction Specifications).

Amend (8) (Light Pole Banners) of Subsection 3.1603 (Design and Construction Specifications) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) such portion of subsection to read as follows:

3.1603 Design and Construction Specifications

8. Light Pole Banners

- a. Two banner maximum per light pole standard.
- b. Banners on light pole standards shall be securely attached at both ends, perpendicular or parallel to light pole standards.

- c. Each banner shall be limited to 15.5 square feet.
- d. Banners are allowed to be attached on up to 50% of the existing light pole standards within a property.
- e. Banners on light pole standards shall be limited to noncommercial messages, except for municipal marketing signs.
- f. Light pole banners shall be allowed within parking lots in both residential and nonresidential zoning districts.

Amend (3) (Prohibited Signs) of Subsection 3.1604 (General) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) such portion of subsection to read as follows:

3.1604 General

3. Prohibited Signs

Except as otherwise expressly allowed by this ordinance or as otherwise expressly allowed by Article XII, Chapter 6, of the City of Plano Code of Ordinances, the following signs and conditions are prohibited:

- a. Signs displaying materials determined to be obscene by a court of law or prohibited by law, subject to the appeal and judicial review proceedings provided for in Subsection 3.1601.9.f.
- b. Signs placed in any location which by reason of their location will obstruct the view of any authorized traffic sign, signal, or other traffic control device by vehicular or pedestrian traffic. No sign shall be erected which by reason of shape, color, size, design, or position, would be reasonably likely to create confusion with, to be confused as, or to interfere with any traffic signal or device which is authorized by the appropriate state or local governmental authorities. Further, no sign shall be placed in a location that will obstruct vision of a vehicle operator while entering, exiting, or traveling upon the public right-of-way.
- c. Signs placed so as to prevent or inhibit free ingress to or egress from any door, window, or any exit way required by the Building Code of the City of Plano or by Fire Department regulations.
- d. A-frame and sandwich board signs.
- e. Signs that are animated by any means not providing constant illumination, except time and temperature units. Signs which rotate or emit audible sound or visible matter. No sign shall be illuminated to such intensity or in such a manner so as

to cause a glare or brightness to a degree that it constitutes a hazard or nuisance to vehicular traffic, pedestrians, or adjacent properties.

- f. Signs located on public property including, but not limited to, signs attached to any public utility pole or structure, street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property-, unless the same is a sign for a city sponsored event or message or a municipal marketing sign.
- g. Roof signs.
- h. Amenity signs.
- i. Billboard signs.
- j. Signs attached to a standpipe or fire escape.
- k. Signs erected on or over public property or in the right-of-way of any thoroughfare within the city of Plano, unless the same is erected by the city or with the permission of the city for public purposes. (Exception: Signs located in the Downtown Business/Government district may be erected over the public sidewalk provided the sign projects no more than the width of the sidewalk minus one foot and provided the clearance between the bottom of the sign and the sidewalk below is a minimum of seven feet.)
- l. No person shall attach any sign, paper, or other material, or paint, stencil, or write any name, number (except house numbers), or otherwise mark on any sidewalk, curb, gutter, street, utility pole, public building, or structure, except as otherwise allowed by this ordinance.
- m. No person shall place on or suspend from any building, light fixture, pole structure, sidewalk, parkway, driveway, or parking area any goods, wares, merchandise, or other advertising object or structure for the purpose of advertising such items other than a sign, as defined, regulated, and prescribed by this ordinance, except as otherwise allowed by this ordinance.
- n. It shall be unlawful for any person to place or cause to be placed any private temporary directional sign(s) within the city of Plano on any public right-of-way of any major or minor thoroughfare (street designated as Type A, B, C, D, E, or F in the City of Plano Thoroughfare Plan). The Building Official may impound all signs in violation of this section.
- o. Searchlights.
- p. Offsite/Premise signs (except as allowed in Subsection ~~3.1603.5.i.~~ 3.1603.2.k. and for municipal marketing signs).

FOR CITY COUNCIL MEETING OF: January 9, 2012 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

TMF/dw

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 19, 2011

Agenda Item No. 8

Public Hearing: Zoning Case 2011-38

Applicant: City of Plano

DESCRIPTION:

Request to amend Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance pertaining to municipal marketing signs.

REMARKS:

Municipal governments across the country are using marketing approaches to help meet economic challenges and budget pressures while addressing mandates and satisfying citizen needs in the face of declining revenues. The City Council has identified a program that allows the city to work with its assets, with the objective of obtaining incremental revenue through sponsorship and partnership programs. During January 2011, the Council directed staff to proceed with this program, Plano Partners.

ISSUES:

Businesses who partner with the city have the potential opportunity to have their business name and/or logo located on city-owned properties. However, to allow for the business signage on city-owned property, the Zoning Ordinance regulations must be amended to accommodate for off-premise signage. Currently, Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) of the Zoning Ordinance prohibits off-premise signs, except for contiguous properties located within a nonresidential zoning district that have executed a unified lot agreement as allowed for in the Zoning Ordinance.

The proposed amendments to the sign regulations allow for the city to advertise businesses who have executed a partnership agreement with the city on city properties. A new sign definition is proposed for a municipal marketing sign, as well as amendments that allow for the off-premise signage. Additionally, the city is interested in allowing for municipal marketing signs on light pole banners on city properties; however, light pole banners are limited to noncommercial speech. Therefore, the light pole banner regulations should be amended to accommodate for commercial speech signs

affiliated with the municipal marketing signage. Lastly, staff has identified a cross-reference provision to the unified lot signs regulations that needs to be corrected.

RECOMMENDATION:

Recommended for approval as follows: (Additions shown as underlined text and deletions as strike through text)

Amend Subsection 3.1602 (Definitions) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) to include the following definition:

Sign - Municipal Marketing - A sign located on city property that is permitted pursuant to a Marketing Partnership Agreement between the City of Plano and a sponsor, donor, or partner pursuant to the City of Plano Marketing Partnership Policy, Section 140.000 of the City of Plano Policies and Procedures as the same may be amended from time to time. Municipal marketing signs shall comply with Subsection 3.1603 (Design and Construction Specifications).

Amend (8) (Light Pole Banners) of Subsection 3.1603 (Design and Construction Specifications) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) such portion of subsection to read as follows:

3.1603 Design and Construction Specifications

8. Light Pole Banners

- a. Two banner maximum per light pole standard.
- b. Banners on light pole standards shall be securely attached at both ends, perpendicular or parallel to light pole standards.
- c. Each banner shall be limited to 15.5 square feet.
- d. Banners are allowed to be attached on up to 50% of the existing light pole standards within a property.
- e. Banners on light pole standards shall be limited to noncommercial messages, except for municipal marketing signs.
- f. Light pole banners shall be allowed within parking lots in both residential and nonresidential zoning districts.

Amend (3) (Prohibited Signs) of Subsection 3.1604 (General) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) such portion of subsection to read as follows:

3.1604 General

3. Prohibited Signs

Except as otherwise expressly allowed by this ordinance or as otherwise expressly allowed by Article XII, Chapter 6, of the City of Plano Code of Ordinances, the following signs and conditions are prohibited:

- a. Signs displaying materials determined to be obscene by a court of law or prohibited by law, subject to the appeal and judicial review proceedings provided for in Subsection 3.1601.9.f.
- b. Signs placed in any location which by reason of their location will obstruct the view of any authorized traffic sign, signal, or other traffic control device by vehicular or pedestrian traffic. No sign shall be erected which by reason of shape, color, size, design, or position, would be reasonably likely to create confusion with, to be confused as, or to interfere with any traffic signal or device which is authorized by the appropriate state or local governmental authorities. Further, no sign shall be placed in a location that will obstruct vision of a vehicle operator while entering, exiting, or traveling upon the public right-of-way.
- c. Signs placed so as to prevent or inhibit free ingress to or egress from any door, window, or any exit way required by the Building Code of the City of Plano or by Fire Department regulations.
- d. A-frame and sandwich board signs.
- e. Signs that are animated by any means not providing constant illumination, except time and temperature units. Signs which rotate or emit audible sound or visible matter. No sign shall be illuminated to such intensity or in such a manner so as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance to vehicular traffic, pedestrians, or adjacent properties.
- f. Signs located on public property including, but not limited to, signs attached to any public utility pole or structure, street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property; unless the same is a sign for a city sponsored event or message or a municipal marketing sign.
- g. Roof signs.
- h. Amenity signs.
- i. Billboard signs.
- j. Signs attached to a standpipe or fire escape.

- k. Signs erected on or over public property or in the right-of-way of any thoroughfare within the city of Plano, unless the same is erected by the city or with the permission of the city for public purposes. (Exception: Signs located in the Downtown Business/Government district may be erected over the public sidewalk provided the sign projects no more than the width of the sidewalk minus one foot and provided the clearance between the bottom of the sign and the sidewalk below is a minimum of seven feet.)
- l. No person shall attach any sign, paper, or other material, or paint, stencil, or write any name, number (except house numbers), or otherwise mark on any sidewalk, curb, gutter, street, utility pole, public building, or structure, except as otherwise allowed by this ordinance.
- m. No person shall place on or suspend from any building, light fixture, pole structure, sidewalk, parkway, driveway, or parking area any goods, wares, merchandise, or other advertising object or structure for the purpose of advertising such items other than a sign, as defined, regulated, and prescribed by this ordinance, except as otherwise allowed by this ordinance.
- n. It shall be unlawful for any person to place or cause to be placed any private temporary directional sign(s) within the city of Plano on any public right-of-way of any major or minor thoroughfare (street designated as Type A, B, C, D, E, or F in the City of Plano Thoroughfare Plan). The Building Official may impound all signs in violation of this section.
- o. Searchlights.
- p. Offsite/Premise signs (except as allowed in Subsection ~~3.1603.5.i.~~ 3.1603.2.k. and for municipal marketing signs).

Zoning Case 2011-38

An Ordinance of the City of Plano, Texas, amending Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, pertaining to municipal marketing signs; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 9th day of January, 2012, for the purpose of considering a change in the Zoning Ordinance; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 9th day of January, 2012; and

WHEREAS, the City Council is of the opinion and finds that such change would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. Subsection 3.1602 (Definitions) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended, such section to include the following definition:

Sign - Municipal Marketing - A sign located on city property that is permitted pursuant to a Marketing Partnership Agreement between the City of Plano and a sponsor, donor, or partner pursuant to the City of Plano Marketing Partnership Policy, Section 140.000 of the City of Plano Policies and Procedures as the same may be amended from time to time. Municipal marketing signs shall comply with Subsection 3.1603 (Design and Construction Specifications).

Section II. (8) (Light Pole Banners) of Subsection 3.1603 (Design and Construction Specifications) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended, such portion of subsection to read as follows:

3.1603 Design and Construction Specifications

8. Light Pole Banners

- a. Two banner maximum per light pole standard.
- b. Banners on light pole standards shall be securely attached at both ends, perpendicular or parallel to light pole standards.
- c. Each banner shall be limited to 15.5 square feet.
- d. Banners are allowed to be attached on up to 50% of the existing light pole standards within a property.
- e. Banners on light pole standards shall be limited to noncommercial messages, except for municipal marketing signs.
- f. Light pole banners shall be allowed within parking lots in both residential and nonresidential zoning districts.

Section III. (3) (Prohibited Signs) of Subsection 3.1604 (General) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended, such portion of subsection to read as follows:

3.1604 General

3. Prohibited Signs

Except as otherwise expressly allowed by this ordinance or as otherwise expressly allowed by Article XII, Chapter 6, of the City of Plano Code of Ordinances, the following signs and conditions are prohibited:

- a. Signs displaying materials determined to be obscene by a court of law or prohibited by law, subject to the appeal and judicial review proceedings provided for in Subsection 3.1601.9.f.

- b. Signs placed in any location which by reason of their location will obstruct the view of any authorized traffic sign, signal, or other traffic control device by vehicular or pedestrian traffic. No sign shall be erected which by reason of shape, color, size, design, or position, would be reasonably likely to create confusion with, to be confused as, or to interfere with any traffic signal or device which is authorized by the appropriate state or local governmental authorities. Further, no sign shall be placed in a location that will obstruct vision of a vehicle operator while entering, exiting, or traveling upon the public right-of-way.
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- k. Signs erected on or over public property or in the right-of-way of any thoroughfare within the city of Plano, unless the same is erected by the city or with the permission of the city for public purposes. (Exception: Signs located in the Downtown Business/Government district may be erected over the public sidewalk provided the sign projects no more than the width of the sidewalk minus one foot and provided the clearance between the bottom of the sign and the sidewalk below is a minimum of seven feet.)
- l. No person shall attach any sign, paper, or other material, or paint, stencil, or write any name, number (except house numbers), or otherwise mark on any sidewalk, curb, gutter, street, utility pole, public building, or structure, except as otherwise allowed by this ordinance.

- m. No person shall place on or suspend from any building, light fixture, pole structure, sidewalk, parkway, driveway, or parking area any goods, wares, merchandise, or other advertising object or structure for the purpose of advertising such items other than a sign, as defined, regulated, and prescribed by this ordinance, except as otherwise allowed by this ordinance.
- n. It shall be unlawful for any person to place or cause to be placed any private temporary directional sign(s) within the city of Plano on any public right-of-way of any major or minor thoroughfare (street designated as Type A, B, C, D, E, or F in the City of Plano Thoroughfare Plan). The Building Official may impound all signs in violation of this section.
- o. Searchlights.
- p. Offsite/Premise signs (except as allowed in Subsection 3.1603.2.k. and for municipal marketing signs).

Section IV. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section V. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section VI. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VII. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section VIII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 9TH DAY OF JANUARY, 2012.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY