

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

**AGENDA ITEM NO. 8 - PUBLIC HEARING
ZONING CASE 2011-26
APPLICANT: CITY OF PLANO**

Request to amend Subsection 3.1605 (Downtown Sign District) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance to allow for reader board/electronic message center signs.

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

STIPULATIONS:

Recommended for approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

Amend Subsection 3.1605 (Downtown Sign District) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) such portion of subsection to read as follows:

3. General Provisions

d. Sign Materials

Sign finish materials shall be one of the following:

- i. Metal, painted or enameled.
- ii. Cold cathode tube (neon).
- iii. Carved relief in stone or cast stone.
- iv. Wood or carved wood which is painted or sealed.
- v. The use of plastic on the exterior of a sign is prohibited, except on a marquee and institution signs.

e. Lighting of Signs

- i. All electrical shall comply with the currently adopted version of the National Electrical Code.

- ii. Buildings and signs may be illuminated by remote light sources provided that these light sources are shielded to protect adjacent properties.
- iii. No illuminated sign may contain flashing or moving elements or change its brightness. (Exception: historic signs.)
- iv. No signs, except a marquee and institution signs, may be illuminated by fluorescent or back lighting. Institution signs with a reader board/electronic message center shall be illuminated in accordance with 3.1603(7). (Exception: historic signs.)

5. Signs Allowed/Prohibited

b. Prohibited Signs

The following signs are prohibited in the Downtown Sign District:

- i. Any sign not specifically permitted by this section is prohibited.
- ii. Any sign that flashes, blinks, revolves, or is put into motion by the atmosphere will not be permitted unless otherwise allowed in 3.1605.
- iii. Portable signs, except for a-frame or sandwich board signs, will not be permitted.

6. Table of Permitted Signs

SIGNS PERMITTED IN EACH SUB-AREA OF THE DOWNTOWN SIGN DISTRICT		
Sign Type	Area A	Area B
A-frame/Sandwich Board Sign	X	X
Armature Sign		X
Awning Sign	X	X
Banner Sign	X	X
Directory Sign	X	X
Hanging Sign	X	X
<u>Institution Sign</u>		<u>X</u>
Marquee Sign	X	X
Pole Sign		X
Municipally-owned Sign	X	X

Mural Sign	X	X
Onsite Directional Sign	X	X
Projecting Sign	X	
Wall Sign - Attached	X	X
Window Sign	X	
(X = Permitted)		

7. Sign Standards

r. Institution Signs

Institution signs shall not exceed 32 square feet with a maximum height of six feet, and shall be monument-type signs. Required setback shall be eight feet from the front property line (or any property line adjacent to a street) and 30 feet from any adjoining property line. Institution signs are limited to one per street front along major streets only as defined by Subsection 8.222 (5)(a)(i).

EH/dw

CITY OF PLANO
PLANNING & ZONING COMMISSION

September 19, 2011

Agenda Item No. 8

Public Hearing: Zoning Case 2011-26

Applicant: City of Plano

DESCRIPTION:

Request to amend Subsection 3.1605 (Downtown Sign District) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance to allow for reader board/electronic message center signs.

REMARKS:

In 2009, the Planning & Zoning Commission and City Council evaluated various changes to the sign regulations including the wall signage calculation method for retail shopping centers, electronic message center signs with shorter image display time, and allowing for light pole banner signs. Since that time, sign types and designs have continued to change as businesses find new ways to advertise. Staff has continued to receive variance requests to the existing regulations and believes it is appropriate to consider whether or not the existing regulations need to be modified. At its meeting on May 16, 2011, the Commission called a public hearing to consider amendments to the signage regulations within the Zoning Ordinance. This zoning case is the first phase of proposed amendments to Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations).

Recently, the city received a request to allow for reader board/electronic message center signs within the Downtown Sign District. The Downtown Sign District regulates the construction of new signs and alterations made to existing signs to ensure consistency with the historic, urban, and pedestrian-oriented nature of this district. The Downtown Sign District encompasses all properties that are zoned Downtown Business/Government (BG), and is further classified into two distinct areas, Area A and Area B, as delineated on the attached illustration.

Signs in this district have been generally designed to be compatible with the architectural composition of the building and the district so as to not obscure any architectural accent, pattern, or object on the structure. Currently, reader board/electronic message center signs are not allowed within the Downtown Sign

District with the exception of municipal signs, which are allowed to have the reader board/electronic message center component. In 2009, the city received a Certificate of Appropriateness to install a ten-foot by eight-foot LED reader board/electronic message center sign at the Cox Building Playhouse on H Avenue. This is the only sign of this type within the BG district.

Typically, LED signs are not used in historic areas with the exception of theaters, schools, and other institutional, entertainment, or performance venues. Given these types of uses, it may be appropriate to allow for freestanding reader board/electronic message center signs within the downtown area. Presently, institutional uses are allowed to have freestanding reader board/electronic message center signs elsewhere within the city, regardless if properties are zoned residential or nonresidential.

Section 3.1600 (Sign Regulations) defines an institution sign as, “any sign used to identify schools, religious facilities, hospitals, childcare facilities, and similar public or quasi-public institutions.” The existing reader board/electronic message center sign at the Cox Building Playhouse has been beneficial to the building and the activities which operate therein, and staff believes other institutional uses within the Downtown Sign District should be provided the opportunity to install reader board/electronic message center signs.

Area B includes several institutional uses including religious facilities and public buildings. Area A does not contain any such institutional uses and is mainly composed of multifamily residences, retail, and office uses. The institutional buildings located within Area B would benefit from the proposed changes to the sign ordinance because of their placement and setbacks in relation to street rights-of-way. Additionally, lots within Area B are currently allowed to have pole signs, whereas lots within Area A are not allowed pole or monument signs. Therefore, staff supports amendments to the Downtown Sign District to allow institutional uses within Area B only to have freestanding monument signage, including allowing for these signs to have a reader board/electronic message center component.

RECOMMENDATION:

Recommended for approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

Amend Subsection 3.1605 (Downtown Sign District) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) such portion of subsection to read as follows:

3. General Provisions

d. Sign Materials

Sign finish materials shall be one of the following:

- i. Metal, painted or enameled.
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- iv. Wood or carved wood which is painted or sealed.
- v. The use of plastic on the exterior of a sign is prohibited, except on a marquee and institution signs.

e. Lighting of Signs

- i. All electrical shall comply with the currently adopted version of the National Electrical Code.
- ii. Buildings and signs may be illuminated by remote light sources provided that these light sources are shielded to protect adjacent properties.
- iii. No illuminated sign may contain flashing or moving elements or change its brightness. (Exception: historic signs.)
- iv. No signs, except a marquee and institution signs, may be illuminated by fluorescent or back lighting. Institution signs with a reader board/electronic message center shall be illuminated in accordance with 3.1603(7). (Exception: historic signs.)

5. Signs Allowed/Prohibited

b. Prohibited Signs

The following signs are prohibited in the Downtown Sign District:

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Armature Sign		X
Awning Sign	X	X
Banner Sign	X	X
Directory Sign	X	X
Hanging Sign	X	X
<u>Institution Sign</u>		<u>X</u>

Marquee Sign	X	X
Pole Sign		X
Municipally-owned Sign	X	X
Mural Sign	X	X
Onsite Directional Sign	X	X
Projecting Sign	X	
Wall Sign - Attached	X	X
Window Sign	X	
(X = Permitted)		

7. Sign Standards

r. Institution Signs

Institution signs shall not exceed 32 square feet with a maximum height of six feet, and shall be monument-type signs. Required setback shall be eight feet from the front property line (or any property line adjacent to a street) and 30 feet from any adjoining property line. Institution signs are limited to one per street front along major streets only as defined by Subsection 8.222 (5)(a)(i).

Zoning Case 2011-26

An Ordinance of the City of Plano, Texas, amending Subsection 3.1605 (Downtown Sign District) of 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, to allow for reader board/electronic message center 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 10th day of October, 2011, 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 10th day of October, 2011; 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 3.1605 (Downtown Sign District) 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 to allow for reader board/electronic message center signs, such portion of subsection to read as follows:

Section 3.1600 (Sign Regulations)

Subsection 3.1605 (Downtown Sign District)

3. General Provisions

d. Sign Materials

Sign finish materials shall be one of the following:

- i. Metal, painted or enameled.
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Directory Sign	X	X
Hanging Sign	X	X
Institution Sign		X
Marquee Sign	X	X
Pole Sign		X
Municipally-owned Sign	X	X
Mural Sign	X	X
Onsite Directional Sign	X	X
Projecting Sign	X	
Wall Sign - Attached	X	X
Window Sign	X	
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Section II. 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 III. 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 IV. 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 V. 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 VI. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 10TH DAY OF OCTOBER, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY