VIA TELEPHONE CONFERENCE

NOTICE IS HEREBY GIVEN in accordance with order of the Office of the Governor issued March 16, 2020, the Planning and Zoning Commission of Benbrook will conduct its Regular Meeting scheduled for **7:30 p.m.** on **Thursday August 13, 2020**, in the City Council Chambers, 911 Winscott Road, Benbrook, Texas by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (Covid-19). While this meeting is open to the public, social distancing and wearing of masks will be enforced.

For this meeting, the presiding officer will be physically present at the location described above. However, one or all other members of the Planning and Zoning Commission may participate in this meeting remotely through telephone conference providing for two-way audio communication for each member of the Planning and Zoning Commission.

This Notice and Meeting Agenda, and the Agenda Packet, are posted online at http://www.benbrook-tx.gov/AgendaCenter.

The public toll-free dial-in number to participate in the telephone meeting is: 1-866-894-9011 or local number 817-443-6248.

The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting.

This meeting will be recorded, and the recording will be available to the public in accordance with the Open Meeting Act upon written request.

AGENDA
BENBROOK PLANNING AND ZONING COMMISSION
THURSDAY, AUGUST 13, 2020
911 WINSCOTT ROAD
PRE-COMMISSION WORK SESSION, 7:00 P.M.
CENTRAL CONFERENCE ROOM

1. Review and Discuss Items for the Regular Meeting

REGULAR MEETING, 7:30 P.M.
COUNCIL CHAMBERS
ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION

I. CALL TO ORDER

II. CITIZEN COMMENTS ON ANY AGENDA ITEM

III. MINUTES

A. Approve Minutes Of The Regular Meeting Held On July 9, 2020.

Documents:

PZ MINUTES 07092020.PDF

IV. REPORTS BY CITY STAFF

A. SUBDIVISION

1. FP-20-01

Whitestone Crest Phase 2. A request to approve a Final Plat for 19.165 acres for residential development.

Documents:

FP-20-01 PZ STAFF REPORT.PDF
FP-20-01 FINAL PLAT.PDF

B. ZONING

1. ZTA-20-02

Ordinance amending Title 17 - Zoning of the Benbrook Municipal Code (1985), as amended, by amending Chapter 17.92 - Sign Regulations and Chapter 17.79 - Benbrook Boulevard Corridor Overlay District establishing updated sign regulations; and amending Chapter 17.08 - Definitions to update various sign definitions. [PUBLIC HEARING]

Documents:

ZTA-20-02 - STAFF RPORT.PDF
ZTA-20-02 DRAFT ORDINANCE.PDF

V. ADJOURNMENT

MINUTES
OF THE MEETING OF THE
CITY OF BENBROOK
PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, JULY 9, 2020

The regular meeting of the Planning and Zoning Commission of the City of Benbrook was held on Thursday, July 9, 2020, at 7:30 p.m. in the Council Chambers at 911 Winscott Road with the following members present:

David Ramsey-via Telephone Conference
Nathan Sultemeier-via Telephone Conference
Matthew Wallis-via Telephone Conference
Jon Craver-Vice Chair
Hunter Brauer-via Telephone Conference
David Eason-via Telephone Conference
Damon Farrar-via Telephone Conference

Absent: John Logan
Alfredo Valverde-Chair

Also present:	Jim Hinderaker	Assistant City Manager
	Doug Howard	City Planner
	Caroline Stewart	Assistant City Planner, Acting Recording Secretary
	Heath Haseloff	City Engineer-via Telephone Conference

I. CALL TO ORDER

The presiding officer, Vice Chair Craver, called the meeting to order at 7:30 p.m.

II. CITIZEN COMMENTS ON ANY AGENDA ITEM

The presiding officer paused the meeting for any citizen comments on any agenda item via telephone conference. There were no calls.

III. MINUTES

A. Approve Minutes of the Regular Meeting Held on March 12, 2020.

Motion by Commissioner Sultemeier to approve the minutes of the March 12th meeting. Seconded by Commissioner Eason. The presiding officer called the question.

Vote on the motion:
Ayes: Mr. Sultemeier, Mr. Wallis, Mr. Craver, Mr. Brauer, Mr. Eason, and Mr. Farrar

Noes: None

Abstain: Mr. Ramsey

Motion carried: 6 – 0 – 1

IV. REPORTS OF CITY STAFF

A. SUBDIVISION

1) **F-20-02** – Whitestone Heights Phase 2. A request to approve a Final Plat for 37.94 acres for residential development.

Doug Howard, City Planner, presented the staff report and answered questions from the Commission.

The applicant, Casey Stevenson with Peloton Land Solutions, was available for questions. There were no questions from the Commission for the applicant.

Motion by Commissioner Sultemeier to approve the final plat, FP-20-02. Seconded by Commissioner Farrar. The presiding officer called the question:

Vote on the motion:

Ayes: Mr. Ramsey, Mr. Sultemeier, Mr. Wallis, Mr. Craver, Mr. Brauer, Mr. Eason, and Mr. Farrar

Noes: None

Abstain: None

Motion carried: 7 – 0 –0

IV. ADJOURNMENT

There being no further business on the agenda, the presiding officer adjourned the meeting at 7:49 p.m.

APPROVED _____,2020

_____

Chair/Presiding Officer

City of Benbrook

Planning and Zoning Commission

DATE:	REFERENCE NUMBER:	SUBJECT:	PAGE:
08/13/2020	**FP-20-01**	**Whitestone Crest Phase 2. A request to approve a Final Plat for 19.165 acres for residential development.**	**1 of 2**

With a passing of the "Shot-Clock Bill" (H.B. 3167) during the 86th legislative session of the Texas State Legislature, the Planning and Zoning Commission must approve, approve with conditions, or disapprove any standard final plat submitted to the city, along with their accompanying subdivision construction plans. If the plat and/or subdivision plan conform to adopted city development regulations, the Planning and Zoning Commission must approve.

Project Name: Whitestone Crest Phase 2

Request Type: Final Plat

Site Description: 19.165 acres, out of the E. Taylor Survey, Abstract No. 1560

Location: Planning Area "E"
East of Whitestone Crest Phase 1

Zoning District: "BR-PD" One-Family Reduced Planned Development District (Ord. No. 1365)

Property Owner/ Developer: SJ Rolling Hills Development, LP
Fort Worth, TX

Background

May of 2005: The Planning and Zoning Commission approved a preliminary plat for Whitestone Crest Phases 1 and 2.

Apr. of 2006: The final plats for both phases were submitted for review. With the economic down-turn and drop in the housing market at the time, the developer suspended the pursuit of final plat approval.

Apr. of 2014: The City Council approved Ordinance No. 1365, rezoning the Whitestone Crest Area, 38.91 acres of land, from "BR-PD" One-Family Reduced Planned Development District to "BR-PD" One-Family Reduced Planned Development District.

Dec. of 2014: The preliminary plat, approved in May of 2005, expired. A preliminary plat expires 2 years after its approval if a final plat application has not been submitted; or, 2 years after the filing of a final plat of property within the preliminary plat boundaries. The Planning and Zoning Commission approved the re-establishment of S-14-02 Whitestone Crest preliminary plat for 2 phases.

Mar. of 2017: The Phase 1 final plat was recorded and construction began thereafter. The Phase 2 final plat was never recorded.

Jun. of 2019: The preliminary plat expired in March 2019. The Planning and Zoning Commission approved a one year extension of the Dec. 2014 preliminary plat (S-14-02).

Summary

Generally, the applicant's subdivisions plans depict the following:

- Residential Lots and Tracts
  - 81 single-family residential lots.
  - 1 HOA tract.
- Conformance to zoning regulations ("BR-PD" Ord. No. 1365):
  - Lots meet the minimum lot dimensional requirements of the zoning ordinance and approved preliminary plat.
  - Five lots will need to be resized to meet the minimum requirements:
    - Interior lots (7,000sqft minimum size): Block 1, Lot 24
    - Corner lots (8,400sqft minimum size): Block 2, Lots 1 & 17; Block 1, Lot 7; Block 5, Lot 31
- Access
  - Access to Whitestone Crest from existing streets; Slick Rock Drive, Trail Ridge Drive, and Hanks Creek Road.
- Storm Drainage
  - Storm water is primarily directed towards City rights-of-way.
  - Where needed, lot-to-lot drainage is permitted through drainage easements.

Staff Review

- The construction plans and the final plat were reviewed and approved by the city staff.

- The City Engineer certifies that the municipal infrastructure improvements on the project are roughly proportionate to the proposed development as required on similar projects in accordance with Texas Local Government Code Section 212.904.

- Water and Sanitary Sewer Plans
  - Final water and sanitary sewer plans were approved by the BWA Board on July 7th.

Staff Recommended Motion:

Move to approve the Final Plat, number FP-20-01, with the following conditions:

1. Off-site drainage easement must be secured from Oncor and accepted by the City; and
2. Revise the plans to show all lots meeting the minimum lot dimensional requirements of the zoning district.

Next Steps

- Off-site drainage easement acceptance by City Council.
- Plat Recordation. If FP-20-01 is approved, the following must occur prior to plat recordation:
  - Execution of a City of Benbrook Developer Agreement.
  - Submission of all documents and fees required for plat recordation.
- Pre-Construction Meeting:
  - Meet with BWA and city development staff prior to beginning construction.

Attachments

1. Final Plat

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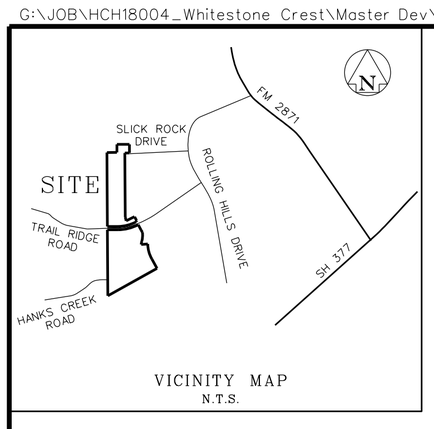


VICINITY MAP
N.T.S.

Lot Tabulation

Block 1	20 Lots (1 Open Space)
Block 2	17 Lots
Block 3	11 Lots
Block 4	18 Lots
Block 5	16 Lots
Residential	81 Lots
Open Space	1 Lots
Total	82 Lots

Land Use Table

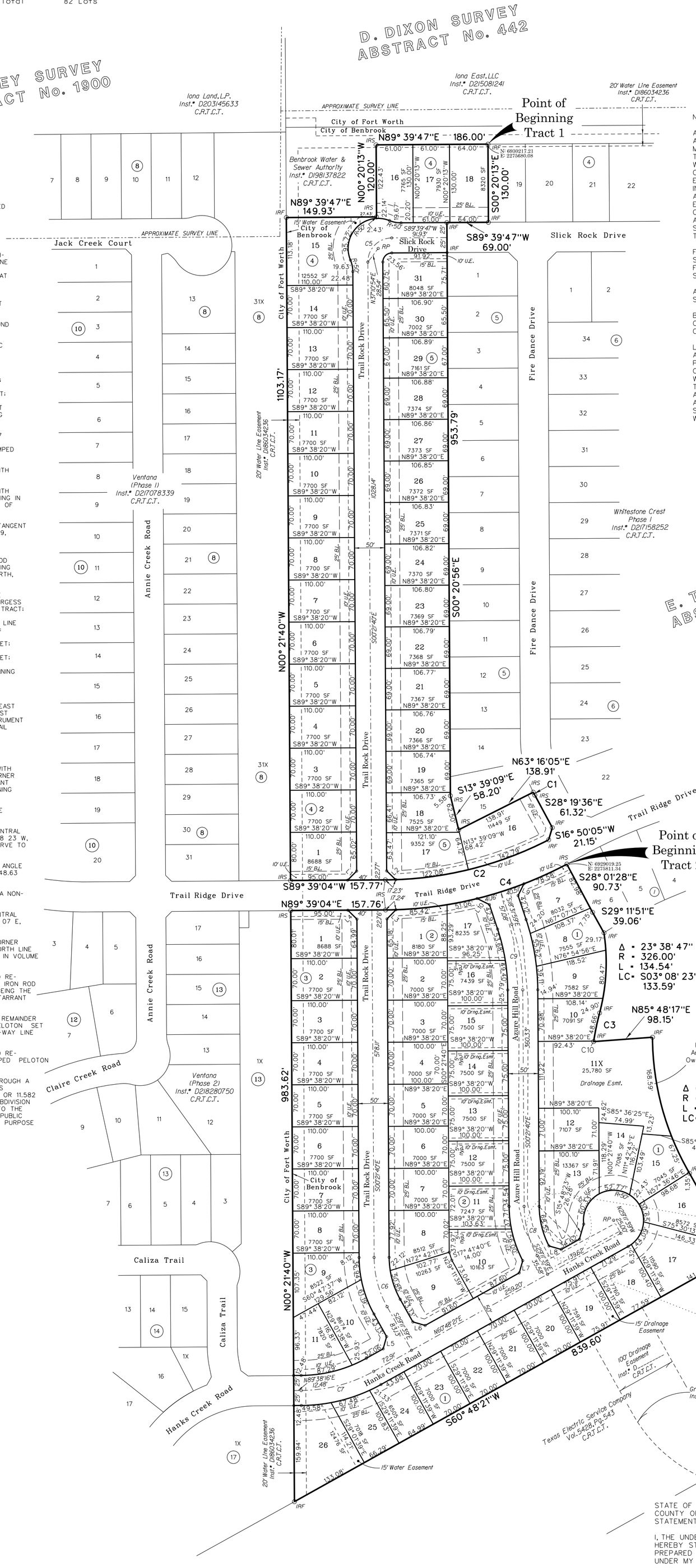
Residential	14.775 Acres
Open Space	0.592 Acres
Right-Of-Way	3.798 Acres
Total	19.165 Acres

LEGEND

IRF	= IRON ROD FOUND
IRS	= IRON ROD SET
B.L.	= BUILDING LINE
U.E.	= UTILITY EASEMENT
SF	= SQUARE FEET
RP	= RADIUS POINT
R	= RADIUS

N W E S

0 100 200 300
GRAPHIC SCALE IN FEET



NOTES:

ANY FRANCHISED PUBLIC UTILITY, INCLUDING THE CITY OF BENBROOK AND THE BENBROOK WATER AUTHORITY SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEM ON ANY OF THE EASEMENTS SHOWN ON THE PLAT. ANY FRANCHISED PUBLIC UTILITY INCLUDING THE CITY OF BENBROOK AND THE BENBROOK WATER AUTHORITY, SHALL HAVE THE RIGHT AT ALL TIMES OF INGRESS AND EGRESS TO AND FROM AND UPON SUCH EASEMENTS FOR THE PURPOSES OF CONSTRUCTING, RECONSTRUCTING, INSPECTION, PATROL, MAINTAINING, AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE.

FEMA FLOODPLAIN
SUBJECT TRACT IS NOT AFFECTED BY 100-YEAR FLOODPLAIN PER FEMA - FLOOD INSURANCE RATE MAP NUMBER 48439C0270K, DATED SEPTEMBER 25, 2009.

ALL CORNERS SET ARE 5/8 INCH IRON RODS WITH PLASTIC CAPS STAMPED "PELOTON" UNLESS OTHERWISE NOTED.

BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM NORTH CENTRAL ZONE 4202, NAD 83, WITH A COMBINED SCALE FACTOR OF 0.999860.

LOT-TO-LOT DRAINAGE IS PROHIBITED OUTSIDE OF A DRAINAGE EASEMENT. ALL DRAINAGE EASEMENTS ARE PRIVATE UNLESS OTHERWISE NOTED AS PUBLIC. THE PURPOSE OF THE PRIVATE DRAINAGE EASEMENT IS TO CONVEY SURFACE FLOW FROM OTHER PROPERTIES TO THE RIGHT-OF-WAY. THE CITY OF BENBROOK IS NOT RESPONSIBLE FOR THE MAINTENANCE OF PRIVATE DRAINAGE EASEMENTS. FENCES LOCATED IN DRAINAGE EASEMENTS SHALL BE DESIGNED TO ACCOMMODATE DRAINAGE FLOW. ASIDE FROM FENCES, NO STRUCTURE, EQUIPMENT, OR OTHER OBSTRUCTION SHALL BE PERMITTED WITHIN ANY DRAINAGE EASEMENT, UNLESS OTHERWISE APPROVED BY THE CITY OF BENBROOK.

CURVE TABLE

NO.	DELTA	RADIUS	LENGTH	BEARING	DISTANCE
C1	01° 35' 41"	200.00'	5.57'	S 27° 31' 46" E	5.57'
C2	26° 56' 19"	600.00'	282.10'	S 76° 10' 54" W	279.51'
C3	06° 33' 32"	425.05'	48.66'	S 11° 43' 15" W	48.63'
C4	27° 40' 34"	650.00'	313.98'	N 75° 48' 47" E	310.93'
C5	89° 58' 33"	40.00'	62.81'	S 44° 39' 03" W	56.56'
C6	28° 49' 58"	170.00'	85.55'	S 14° 46' 39" E	84.65'
C7	26° 15' 43"	300.00'	137.51'	N 74° 15' 49" E	136.31'
C8	28° 49' 58"	170.00'	85.55'	S 14° 46' 39" E	84.65'
C9	18° 10' 18"	350.00'	111.01'	S 09° 26' 49" E	110.54'
C10	00° 06' 41"	425.05'	0.83	S 08° 29' 49" W	0.83'

LINE TABLE

NO.	BEARING	DISTANCE
L1	S 44° 38' 42" W	21.21'
L2	N 45° 49' 23" W	21.04'
L3	N 44° 13' 07" E	21.37'
L4	S 45° 21' 18" E	21.22'
L5	S 15° 48' 21" W	21.21'
L6	N 74° 11' 39" W	21.21'
L7	S 15° 54' 05" W	21.25'
L8	N 74° 03' 54" W	21.17'
L9	N 26° 27' 07" E	21.93'
L10	S 63° 29' 23" E	22.79'

Owner / Developer

SJ Rolling Hills Development, L.P.
7201 Hawkins View Drive
Suite 101
Fort Worth, Texas 76132

Surveyor

Peloton Land Solutions
9800 Hillwood Parkway
Suite 250
Fort Worth, Texas 76177
817-562-3350 Office

STATE OF TEXAS
COUNTY OF TARRANT
OWNER S ACKNOWLEDGEMENT AND DEDICATION

I/(WE), SJ ROLLING HILLS DEVELOPMENT LP, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT WITHIN THE AREA DESCRIBED AS FOLLOWS:

BEING 2 TRACTS OF LAND SITUATED IN THE E. TAYLOR SURVEY, ABSTRACT NUMBER 1560, CITY OF BENBROOK, TARRANT COUNTY, TEXAS, BEING THE REMAINDER OF THAT TRACT OF LAND DESCRIBED BY DEED TO SJ ROLLING HILLS DEVELOPMENT LP, RECORDED IN INSTRUMENT NUMBER D203176403, COUNTY RECORDS, TARRANT COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

TRACT 1

BEGINNING AT A 1/2 INCH IRON ROD WITH PLASTIC CAP STAMPED FULTON FOUND AT THE NORTH-EAST CORNER OF SAID REMAINDER, BEING THE NORTHWEST CORNER OF LOT 19, BLOCK 4, WHITESTONE CREST PHASE ONE, AN ADDITION TO THE CITY OF BENBROOK, TARRANT COUNTY, TEXAS, RECORDED IN INSTRUMENT NUMBER D217158252, SAID COUNTY RECORDS AND BEING IN THE SOUTH LINE OF THAT TRACT OF LAND DESCRIBED BY DEED TO BENBROOK WATER & SEWER AUTHORITY RECORDED IN INSTRUMENT NUMBER D198137822, SAID COUNTY RECORDS:

THENCE WITH THE EAST LINE OF SAID REMAINDER AND THE WEST LINE OF SAID WHITESTONE CREST THE FOLLOWING BEARINGS AND DISTANCES:

S 00 20 13 E, 130.00 FEET, TO A 1/2 INCH IRON ROD WITH PLASTIC CAP STAMPED FULTON FOUND IN THE NORTH RIGHT-OF-WAY LINE OF SLICK ROCK DRIVE (A 50 FOOT RIGHT-OF-WAY):

S 89 39 47 W, 69.00 FEET, WITH SAID RIGHT-OF-WAY LINE TO A 1/2 INCH IRON ROD WITH PLASTIC CAP STAMPED FULTON FOUND:

S 00 20 56 E, DEPARTING SAID RIGHT-OF-WAY LINE, AT 50.00 FEET A 1/2 INCH IRON ROD WITH PLASTIC CAP STAMPED FULTON FOUND IN THE SOUTH RIGHT-OF-WAY LINE OF SAID SLICK ROCK DRIVE, IN ALL 953.79 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED PELOTON SET:

S 13 39 09 E, 58.20 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED PELOTON SET:

N 63 16 05 E, 138.91 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED PELOTON SET IN THE WEST RIGHT-OF-WAY LINE OF FIRE DANCE DRIVE (A 50 FOOT RIGHT-OF-WAY, THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT:

WITH SAID RIGHT-OF-WAY LINE AND NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 5.57 FEET, THROUGH A CENTRAL ANGLE OF 01 35 41, HAVING A RADIUS OF 200.00 FEET, THE LONG CHORD WHICH BEARS S 27 31 46 E, 5.57 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED PELOTON SET:

S 28 19 36 E, 61.32 FEET, CONTINUING WITH SAID RIGHT-OF-WAY LINE TO A 1/2 INCH IRON ROD WITH PLASTIC CAP STAMPED FULTON FOUND:

S 16 50 05 W, 21.15 FEET, CONTINUING WITH SAID RIGHT-OF-WAY LINE TO A 1/2 INCH IRON ROD WITH PLASTIC CAP STAMPED FULTON FOUND AT THE SOUTHEAST CORNER OF SAID REMAINDER AND BEING IN THE NORTH RIGHT-OF-WAY LINE OF TRAIL RIDGE DRIVE (A 50 FOOT RIGHT-OF-WAY), THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT:

THENCE WITH THE SOUTH LINE OF SAID REMAINDER AND SAID RIGHT-OF-WAY LINE, WITH SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 282.10 FEET, THROUGH A CENTRAL ANGLE OF 26 56 19, HAVING A RADIUS OF 600.00 FEET, THE LONG CHORD WHICH BEARS S 76 10 54 W, 279.51 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED PELOTON SET:

THENCE S 89 39 04 W, 157.77 FEET, CONTINUING WITH SAID COMMON LINE TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED PELOTON SET AT THE SOUTHWEST CORNER OF SAID REMAINDER, BEING THE SOUTHEAST CORNER OF LOT 31X, BLOCK 8, VENTANA, AN ADDITION TO THE CITY OF FORT WORTH, TARRANT COUNTY, TEXAS, RECORDED IN INSTRUMENT NUMBER D217078339, SAID COUNTY RECORDS:

THENCE N 00 21 40 W, 1103.17 FEET, WITH THE WEST LINE OF SAID REMAINDER AND THE EAST LINE OF SAID LOT 31X, BLOCK 8, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED CARTER & BURGESS FOUND AT THE SOUTHWEST CORNER OF AFOREMENTIONED BENBROOK WATER & SEWER AUTHORITY TRACT:

THENCE DEPARTING SAID COMMON LINE WITH THE NORTH LINE OF SAID REMAINDER AND THE SOUTH LINE OF SAID BENBROOK WATER & SEWER AUTHORITY TRACT THE FOLLOWING BEARINGS AND DISTANCES:

N 89 39 47 E, 149.93 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED PELOTON SET:

N 00 20 13 W, 120.00 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED PELOTON SET:

THENCE N 89 39 47 E, 186.00 FEET, CONTINUING WITH SAID COMMON LINE TO THE POINT OF BEGINNING AND CONTAINING 330,323 SQUARE FEET OR 7.583 ACRES OF LAND MORE OR LESS.

TRACT 2

BEGINNING AT A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED PELOTON SET AT THE NORTHEAST CORNER OF SAID REMAINDER, BEING THE NORTHWEST CORNER OF LOT 6, BLOCK 1, WHITESTONE CREST PHASE ONE, AN ADDITION TO THE CITY OF BENBROOK, TARRANT COUNTY, TEXAS, RECORDED IN INSTRUMENT NUMBER D217158252, SAID COUNTY RECORDS AND BEING IN THE SOUTH RIGHT-OF-WAY LINE OF TRAIL RIDGE DRIVE (A 50 FOOT RIGHT-OF-WAY)

THENCE S 28 01 28 E, 90.73 FEET, WITH THE EAST LINE OF SAID REMAINDER AND THE WEST LINE OF SAID LOT 6, BLOCK 1 TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED PELOTON SET:

THENCE S 29 11 51 E, 39.06 FEET, CONTINUING WITH SAID COMMON LINE TO A 1/2 INCH IRON ROD WITH NO CAP FOUND AT THE SOUTHWEST CORNER OF SAID LOT 6, BLOCK 1, BEING THE NORTHWEST CORNER OF LOT 1, BLOCK 1, ROLLING HILLS PARK ADDITION, AN ADDITION TO THE CITY OF BENBROOK, TARRANT COUNTY, TEXAS, RECORDED IN INSTRUMENT NUMBER D211233055, SAID COUNTY RECORDS, THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT:

THENCE WITH THE EAST LINE OF SAID REMAINDER AND THE WEST LINE OF SAID LOT 1, BLOCK 1 THE FOLLOWING COURSES AND DISTANCES:

WITH SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 134.54 FEET, THROUGH A CENTRAL ANGLE OF 23 38 47, HAVING A RADIUS OF 326.00 FEET, THE LONG CHORD WHICH BEARS S 03 08 23 W, 133.59 FEET TO A 1/2 INCH IRON ROD WITH NO CAP FOUND AT THE BEGINNING OF A REVERSE CURVE TO THE LEFT:

WITH SAID REVERSE CURVE TO THE LEFT, AN ARC DISTANCE OF 48.66 FEET, THROUGH A CENTRAL ANGLE OF 06 33 32, HAVING A RADIUS OF 425.05 FEET, THE LONG CHORD WHICH BEARS S 11 43 15 W, 48.63 FEET TO A 1/2 INCH IRON ROD WITH NO CAP FOUND:

N 85 48 17 E, 98.15 FEET, TO A 1/2 INCH IRON ROD WITH NO CAP FOUND AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT:

WITH SAID NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 237.19 FEET, THROUGH A CENTRAL ANGLE OF 30 05 09, HAVING A RADIUS OF 451.70 FEET, THE LONG CHORD WHICH BEARS S 15 13 07 E, 234.47 FEET TO A 1/2 INCH IRON ROD WITH NO CAP:

S 29 01 39 E, 156.66 FEET, TO A 1/2 INCH IRON ROD WITH NO CAP FOUND AT THE SOUTHEAST CORNER OF SAID REMAINDER, BEING THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 1 AND BEING IN THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED BY DEED TO TEXAS ELECTRIC SERVICE COMPANY RECORDED IN VOLUME 5428, PAGE 543, SAID COUNTY RECORDS:

THENCE S 60 48 21 W, 839.60 FEET, DEPARTING SAID COMMON LINE WITH THE SOUTH LINE OF SAID REMAINDER AND THE NORTH LINE OF SAID TEXAS ELECTRIC SERVICE COMPANY TRACT TO A 1/2 INCH IRON ROD WITH PLASTIC CAP STAMPED FULTON FOUND AT THE SOUTHWEST CORNER OF SAID REMAINDER, BEING THE SOUTHEAST CORNER OF LOT 1X, BLOCK 17, VENTANA, AN ADDITION TO THE CITY OF FORT WORTH, TARRANT COUNTY, TEXAS, RECORDED IN INSTRUMENT NUMBER D218280750, SAID COUNTY RECORDS:

THENCE N 00 21 40 W, 983.62 FEET, DEPARTING SAID COMMON LINE WITH THE WEST LINE OF SAID REMAINDER AND THE EAST LINE OF SAID VENTANA TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED PELOTON SET AT THE NORTHWEST CORNER OF SAID REMAINDER, BEING IN THE AFOREMENTIONED SOUTH RIGHT-OF-WAY LINE OF TRAIL RIDGE DRIVE:

THENCE N 89 39 04 E, 157.76 FEET, DEPARTING SAID COMMON LINE WITH THE NORTH LINE OF SAID REMAINDER AND SAID SOUTH RIGHT-OF-WAY LINE TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED PELOTON SET AT THE BEGINNING OF A CURVE TO THE LEFT:

THENCE WITH SAID COMMON LINE AND CURVE TO THE LEFT, AN ARC DISTANCE OF 313.98 FEET, THROUGH A CENTRAL ANGLE OF 27 40 34, HAVING A RADIUS OF 650.00 FEET, THE LONG CHORD WHICH BEARS N 75 48 47 E, 310.93 FEET TO THE POINT OF BEGINNING AND CONTAINING 504,508 SQUARE FEET OR 11.582 ACRES OF LAND MORE OR LESS AND DESIGNATED HEREIN AS THE WHITESTONE CREST, PHASE 2 SUBDIVISION TO THE CITY OF BENBROOK, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE PUBLIC IN FEE SIMPLE ALL STREETS, ALLEYS, RIGHTS-OF-WAYS AND PARKS, AND DEDICATE TO THE PUBLIC FOREVER ALL WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED, SAVE AND EXCEPT THE WATER EASEMENTS.

THAT SJ ROLLING HILLS DEVELOPMENT LP, THE OWNER, ACTING BY AND THROUGH ITS DULY AUTHORIZED AGENT, OF THE PROPERTY DESCRIBED IN THIS PLAT, IN ADDITION TO THE FORGOING DEDICATION AND CONTEMPORANEOUSLY HEREWITH, DOES HEREBY DEDICATE, GRANT AND CONVEY TO THE BENBROOK WATER AUTHORITY, TARRANT COUNTY, TEXAS ITS SUCCESSORS AND ASSIGNS (BWA) A PERPETUAL AND EXCLUSIVE EASEMENT (THE WATER [AND/OR WASTEWATER] EASEMENT AS DEPICTED HEREIN) AND DOES CERTIFY THE FOLLOWING:
I. THE WATER [AND/OR WASTEWATER] EASEMENT SHALL BE USED EXCLUSIVELY TO CONSTRUCT, RECONSTRUCT, INSTALL, OPERATE, INSPECT, REPAIR, MAKE CONNECTIONS TO, RELOCATE WITHIN THE EASEMENT, REMOVE OR ABANDON IN PLACE AND MAINTAIN WATER AND SANITARY SEWER LINES, TOGETHER WITH ALL NECESSARY ABOVE OR BELOW GROUND APPURTENANCES THERETO (THE PIPELINES), AND WITH THE RIGHT AND PRIVILEGE AT ANY AND ALL TIMES, TO ENTER SAID PREMISES, OR ANY PART THEREOF, AS IS NECESSARY OR CONVENIENT TO THE PROPER USE OF THE WATER [AND/OR WASTEWATER] EASEMENT.
II. OWNER AGREES NOT TO CONVEY ANY OTHER EASEMENT OR CONFLICTING RIGHTS WITHIN THE WATER [AND/OR WASTEWATER] EASEMENT EXCEPT (A) OWNER MAY CONSTRUCT A ROAD OR PAVEMENT ACROSS THE WATER EASEMENT, AND (B) SUBJECT TO BWA S PRIOR WRITTEN CONSENT, WHICH CONSENT SHALL NOT BE UNREASONABLY WITHHELD, INSTALL UTILITY CROSSINGS OR GRANT ADDITIONAL RIGHTS-OF-WAY ABOVE OR BELOW BWA'S PIPELINES (ALL MAINTAINING SUFFICIENT DISTANCE TO PROTECT THE PIPE AND/OR COMPLY WITH ANY APPLICABLE LEGAL REQUIREMENT), PROVIDED THE FOREGOING INTERSECT BWA'S PIPELINES AT AN ANGLE BETWEEN SIXTY DEGREES (60) AND NINETY DEGREES (90) WITH EACH BEING CLEARLY MARKED ACROSS THE EASEMENT AND SO LONG AS THE FOREGOING CONSTRUCTION AND USE DO NOT UNREASONABLY INTERFERE WITH BWA S EXERCISE AND USE OF THE WATER [AND/OR WASTEWATER] EASEMENT GRANTED HEREIN, AND SAFE OPERATION OF THE PIPELINES. BWA SHALL BE GIVEN AT LEAST 30 DAYS ADVANCE WRITTEN NOTICE OF ANY SUCH PROPOSED CONSTRUCTION TOGETHER WITH ANY ENGINEERING REPORTS. SUCH CONSTRUCTION SHALL BE SUBJECT TO ANY APPLICABLE OR RELEVANT LAW, REGULATION OR CONSTRUCTION STANDARD.
III. PROVIDED ANY PRIVATE IMPROVEMENTS ARE PLACED IN THE WATER [AND/OR WASTEWATER] EASEMENT, SUCH IMPROVEMENTS SHALL BE PLACED AT NO RISK OR OBLIGATION TO BWA, AND BWA SHALL HAVE NO RESPONSIBILITY TO REPAIR OR REPLACE SUCH IMPROVEMENTS IN, UNDER OR OVER THE WATER[AND/OR WASTEWATER] EASEMENT IF THEY ARE DAMAGED OR DESTROYED IN THE UTILIZATION OF THESE RIGHTS GRANTED HEREIN.
IV. THE BWA SHALL HAVE THE RIGHT: (1) TO REMOVE AND KEEP REMOVED ALL OR ANY PART OF ANY BUILDING, FENCE, TREE, SHRUB, OR OTHER STRUCTURE, IMPROVEMENT OR GROWTH WHICH IN ANY WAY MAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, RECONSTRUCTION, MAINTENANCE, OPERATION OR EFFICIENCY OF SUCH UTILITY; AND (2) OF INGRESS AND EGRESS TO OR FROM AND UPON THE WATER [AND/OR WASTEWATER] EASEMENT, OTHER PUBLIC EASEMENTS AND OWNER S ADJACENT PROPERTY FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING AND ADDING TO, ENLARGING, OR REMOVING ALL OR PARTS OF ITS OPERATION WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE.
V. BWA SHALL HAVE NO RESPONSIBILITY FOR THE MAINTENANCE OF PAVING ON OR UPON THE WATER[AND/OR WASTEWATER] EASEMENT.
VI. THE WATER [AND/OR WASTEWATER] EASEMENT DEDICATED BY THIS PLAT SHALL ALSO INCLUDE AN ADDITIONAL TEMPORARY AREA OF WORKING SPACE FOR CONSTRUCTION, RECONSTRUCTION, ADDITIONS, ENLARGEMENTS, AND MAINTENANCE INCLUDING SUCH ADDITIONAL AREA NECESSARY FOR INSTALLATION AND MAINTENANCE OF MANHOLES, CLEAN OUTS, FIRE HYDRANTS, WATER SERVICES AND WASTEWATER SERVICES.
VII. ALL MODIFICATIONS TO WATER [AND/OR WASTEWATER] EASEMENT OR THE TERMS AND CONDITIONS CONTAINED HEREIN SHALL BE BY MEANS OF PLAT OR OTHER WRITTEN, RECORDABLE INSTRUMENT AND APPROVED BY BWA.

EXECUTED THIS THE ____ DAY OF _____, A.D., 2020

SJ ROLLING HILLS DEVELOPMENT LP
A TEXAS LIMITED PARTNERSHIP

BY:_____

NAME:_____

TITLE:_____

STATE OF TEXAS
COUNTY OF TARRANT

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE ____ DAY OF _____ , 2020.

NOTARY PUBLIC_____

_____ COUNTY

CITY OF BENBROOK

Approved by Planning and Zoning Commission:
Chair: _____

Attested by City Secretary: _____

Date of Approval: _____

"Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document" 22 TAC 663.18C
Todd A. Bridges, RPLS 4940
Date: 8/6/2020

STATE OF TEXAS
COUNTY OF TARRANT
STATEMENT OF SURVEYOR

I, THE UNDERSIGNED, A PUBLIC SURVEYOR IN THE STATE OF TEXAS, HEREBY STATE THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

_____
REGISTERED PROFESSIONAL LAND SURVEYOR, NUMBER _____
DATE: _____

THIS DOCUMENT FILED IN INSTRUMENT NUMBER _____, DATE_____

A Final Plat of

Lots 7-10, 11X, 12-26, Block 1, Lots 1-17, Block 2,
Lots 1-11, Block 3, Lots 1-18, Block 4, and Lots 16-31, Block 5.

Whitestone Crest Phase 2

Being 19.165 Acres of land situated in the E. Taylor Survey,
Abstract Number 1560, City of Benbrook, Tarrant County, Texas.

Date of Preparation: May 2020

Phase 2

SHEET 1 OF 1 SHEETS

PELOTON LAND SOLUTIONS
9800 HILLWOOD PARKWAY, SUITE 250
FORT WORTH, TEXAS 76177 PH.# 817-562-3350

A Final Plat of
Lots 7-10, 11X, 12-26, Block 1, Lots 1-17, Block 2,
Lots 1-11, Block 3, Lots 1-18, Block 4, and Lots 16-31, Block 5.
Whitestone Crest, Phase 2
Being 19.165 Acres of land situated in the E. Taylor Survey,
Abstract Number 1560, City of Benbrook, Tarrant County, Texas.

Job #:	HCH18004	Revisions:
Drawn By:	D. Freemon	
Checked By:	T. Bridges	
Date:	05-24-19	

City of Benbrook

Planning and Zoning Commission

DATE:	REFERENCE NUMBER:	SUBJECT:	PAGE:
8/13/2020	**ZTA-20-02**	**Consider Amendments to City Sign Regulations of Title 17 – Zoning of the Benbrook Municipal Code.**	**1 of 1**

Request Type: Zoning Ordinance Text Amendment

The purpose of the sign ordinance update is to improve readability, incorporate recent Supreme Court decisions, and clarify conflicting and vague regulations.

Summary

The following is a summary of the draft ordinance:

- Reorganized the sign chapter to make the regulations easier to find, understand, and implement.
- Created new purpose section.
- Removed sign definitions from Chapter 17.08 and place applicable sign terms and definitions within Chapter 17.92. Some definitions were either updated or removed to reflect City Attorney suggestions to comply with recent Supreme Court decisions, or to resolve conflicting regulations, such as “wall signs” and “projecting signs.”
- Created new temporary sign regulations. Based on City Attorney guidance, sign regulations should not be based on the sign’s content like “real estate sign”, “residential sign”, “political sign”, and “menu board sign”, among others. To avoid legal issues, yet still allow these signs as a practical matter, the City should allow additional signage when a certain condition exists on a property, but not tie the additional sign allowance to its content.
- Clarified the number of freestanding signs allowed on a property.
- Changes made to allow individual sign panel changes on freestanding signs, with an approved sign permit, so long as the sign’s location, height, cabinet(s), basic construction, and other significant characteristic remain unchanged and the total sign area does not increase.
- Signs constructed, placed, or maintained by the federal, state, or local government are exempt from zoning code.
- Removed redundant and\or conflicting administrative procedures.
- Removed variance process from the sign chapter, as the zoning ordinance already contains Chapter 17.16 – Board of Adjustment, which contains details on the authority of the Zoning Board of Adjustment and criteria for variance approval, as regulated by State Law.

Staff Recommended Motion

Move to recommend City Council adopt the zoning ordinance text amendment, as presented.

Next Steps

- Consideration by City Council

Attachments

1. Draft Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 17 - ZONING OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY AMENDING CHAPTER 17.92 – SIGN REGULATIONS AND CHAPTER 17.79 – BENBROOK BOULEVARD CORRIDOR OVERLAY DISTRICT ESTABLISHING UPDATED SIGN REGULATIONS; AND AMENDING CHAPTER 17.08 – DEFINITIONS UPDATING VARIOUS SIGN DEFINITIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Benbrook is a home rule city acting under its own 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, Chapter 211 of the Local Government Code authorizes municipalities to regulate land use, structures, businesses, and related activities within its corporate limits for the purpose of promoting the public health, safety and general welfare of the community and protecting and preserving places and areas of historical, cultural and architectural importance and significance; and

WHEREAS, the City has previously adopted zoning regulations as Title 17 of the Benbrook Municipal Code (1985), as amended through Ordinance 1456; and

WHEREAS, a public hearing was held concerning this amendment, Case No. ZTA-20-02, by the Planning and Zoning Commission on the 13th day of August 2020 and by the City Council on the _____ day of _____ 2020; and

WHEREAS, the City Council has given published notice and held public hearings with the respect to the amendment to the Zoning Ordinance as required by law; and

WHEREAS, the City Council now deems the provisions of the present zoning regulations inadequate, because of changing conditions since its passage, to accomplish the foregoing objectives, and that said Title 17 shall be amended and superseded by the provisions of this ordinance; and

WHEREAS, the City Council finds that sign regulations enhance the economic viability of the community, while protecting the City and its citizens from a proliferation of signs of a type, size, number, location and character that would adversely impact upon the aesthetics of the community or threaten the health, safety and welfare of the community; and

WHEREAS, the City Council finds that the appropriate regulation of the physical characteristic of signs in the City and other communities has had a positive impact on the safety and the appearance of the community; and

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

SECTION 1

That Chapter 17.92 – Sign Regulations of Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, is hereby amended by replacing Chapter 17.92 – Sign Regulations in its entirety to provide the following:

17.92.010 Purpose.

A. The purposes of these sign regulations are to provide uniform sign standards that:
   1. Promote community pride and a positive image of the City;
   2. Protect the rights of persons and business to freedom of speech under the State of Texas and federal law;
   3. Ensure consistency with State statutes relating to sign regulations;
   4. Facilitate Economic Development;
   5. Reduce the confusion and traffic hazards that result from excessive and prolific use of sign displays;
   6. Promote public safety and protect persons and property by ensuring that signs do not create a hazard by:
      a. Collapsing, catching fire, or otherwise deteriorating or decaying;
      b. Confusing or distracting motorists; or
      c. Impairing a driver's ability by obstructing the awareness or visibility of pedestrians, obstacles, or other vehicles, or to read traffic-control devices or signs;
   7. Control the number, size, height, location, lightning, and design characteristics of signs to avoid visual clutter which leads to a decline in the community's appearance and property values, and reduces the effectiveness of the signs;
   8. Clearly identify various sign types by their physical and structural characteristics in order to make the regulations easier to use, while promoting the City's goals and objectives relating to the design, appearance, and economic effectiveness of signs;
   9. Address the latest and emerging technologies in the sign industry, such as electronic message centers and other types of illuminated signs, in a way that allows persons and businesses to convey and communicate while also:
      a. Protecting the use and character of neighborhoods;
      b. Enhancing the function and appearance of the City's commercial corridors; and
      c. Promoting the City's character and design objectives; and
   10. Implement the City's Comprehensive Plan;
   11. Coordinate the City's sign regulations with the applicable zoning districts in order to protect and promote the purpose and character of those districts.

B. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

C. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

17.92.020 Substitution of noncommercial messages

A. Subject to the property owner's consent, a commercial message or noncommercial message of any type may be substituted for any duly permitted or allowed noncommercial message provided that the sign structure or mounting devise is legal without consideration of message content. Such substitution of message requires a sign permit, unless otherwise allowed by this chapter. This provision prevails over any provision to the contrary in this ordinance. The purpose of this provision is to prevent any inadvertent favoring of a commercial message over a noncommercial message, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting devise be properly permitted.
B. All noncommercial messages are considered on-premises signs and are entitled to the privileges that on-premises signs receive under this Title.

17.92.030 Definitions.

"Abandoned sign." Any sign which, for at least six continuous months, does not serve a bona fide purpose or for which no legal owner can be found.

"Address sign." A required sign which displays the official address of a property, building, or suite.

"Alteration" (sign alteration). Any change of size, shape, illumination, position, location, construction, or supporting structure of any sign.

"Animated sign." Any sign having a conspicuous and intermittent variation in illumination, or physical position of any or all of its parts, or that uses movement or change of lighting to depict action or create a special effect or scene.

"Balloon sign." An inflated device carried aloft or fixed to the ground used for the purpose of advertising or drawing attention.

"Banner sign." Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution shall not be considered banners.

"Beacon." Any light with one or more beams that may rotate or move and are directed into the atmosphere. A searchlight is a beacon.

"Blade sign." A pedestrian-oriented sign that is affixed perpendicular to the corner of a building or along the front façade of a building above the ground floor to provide identification for the whole building. The sign may be affixed directly to the building, suspended under a bracket that is mounted to a building, or suspended under a canopy, awning or arcade.

"Building sign." Any sign attached to, applied on or supported by any part of a building (such as a wall, roof, window, canopy, awning, arcade or marquee) that encloses or covers usable space, as contrasted to a freestanding sign.

“Canopy sign.” Any sign that is a part of, attached to, or affixed to the top of an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

“Changeable copy sign.” A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign, including electronic and light-emitting diode (LED) signs. A sign on which the message changes more frequently than permitted in this chapter shall be considered an animated sign and not a changeable copy sign for the purposes of this Title.

“Commercial message.” Speech or graphics advertising a business, provision, commodity, service, or entertainment.

“Dilapidated or deteriorated sign.” Any sign 1) where any portion of the finished material, surface, or message portion of the sign is visibly faded so as to no longer be clearly read, flaked, broken off, missing, cracked, splintered, defective, or is otherwise visibly deteriorated or in a state of disrepair so as not to substantially appear as it was intended or designed to appear when originally constructed; or 2) whose elements or structural support or frame members are visibly bent, broken, dented, or torn, twisted, leaning, or at angles other than those at which it was originally erected (such as may result from being blown or by failure of a structural member).

"Flag sign." Displays on cloth or other flexible material attached on only one side.

“Freestanding sign.” Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure. Pylon signs and monument signs are examples of permitted freestanding signs.

“Government sign.” A sign that is constructed, placed, or maintained by the federal, state, or local government or a sign that is required to be constructed, placed, or maintained by the federal, state, or local government either directly or to enforce a property owner’s rights.

“Height” (of a sign). Height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot be reasonably determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the main building on the lot, whichever is lower.

“Incidental sign.” A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message greater than one square foot shall be considered incidental.

“Off-premises sign.” A sign which directs attention to a business, profession, product, service, activity or entertainment not conducted, sold or offered on the premises upon which the sign is located.

“On-premises sign.” A sign directing attention to a business, profession, product, service, or activity conducted, sold or offered on the same premises where the sign is located, or a sign that is otherwise defined as an on-premises sign by this article.

“Model home sign.” A sign erected at a location where a home is built as a model home or real estate office for a home builder within a residential subdivision.

“Monument sign.” A freestanding sign having a low profile, made of stone, concrete, metal, brick or similar materials or combination of materials, which repeats or harmonizes with the architecture of the establishment it serves. Monument signs must include a solid masonry base at least twelve inches in height, and which has no clear space for the full width of the sign between the bottom of the sign and the ground. The above ground portion of the base is considered part of the total allowable height of the monument sign. A monument sign may contain the name, logo, address, product or service of the establishment, and a changeable copy panel.

“Painted wall sign.” A sign applied to a building wall with paint and which has no sign structure.

“Pennant sign.” Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

“Pole sign.” A sign that is mounted on a pole or other support so that the bottom edge of the sign cabinet is more than eight feet above grade. A pole sign is a prohibited sign.

“Portable sign.” Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to, signs designed to be transported by means of wheels; signs converted to A-frame or T-frame; menu or sandwich board signs; and umbrellas used for advertising. Portable signs are considered temporary signs.

“Projecting sign.” Any sign affixed to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of such building or wall.

“Pylon sign.” A freestanding sign other than a pole sign, permanently affixed to the ground by two columns or supports with the sign face contained entirely between the two columns and the bottom edge of the sign cabinet is a minimum of eight feet above grade.

“Real estate sign.” An on-premises commercial message sign, advertising a parcel of land or a structure for rent, lease, or sale.

“Responsible Party.” The owner/operator of the business being identified on the sign; the owner of the property upon which the sign or sign structure is located; the owner of the sign or sign structure; the person who installs a sign or sign structure, or contracts with a third party to accomplish the installation; and /or the person who retrieves a sign from the impound.

“Roof sign.” Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

“Sign.” A presentation of letters, numbers, figures, pictures, emblems, insignias, lines or colors or any combination thereof, displayed for the purpose of information, direction or identification, or to advertise or promote a business, service, activity, interest or product. The following

characteristics of signs are regulated in this chapter: 1) “Beacon.” Any light with one or more beams that may rotate or move and are directed into the atmosphere. A searchlight is a beacon; 2) “Flashing.” Operation that creates flashing light, change in light intensity, color or copy, or intermittent light impulses; 3) “Motion.” The moving or rotating of a sign or portion thereof, or the giving of the perception of motion, other than a message center as hereinafter defined; 4) “Reflective.” A sign having copy or background made of reflective surfaces mad to shimmer.

“Sign setback.” The minimum distance required between any property line and any portion of a sign or sign structure.

“Special event signs.” Includes pennants and banners.

“Street frontage.” Length of the front property line where it is adjacent to a street right-of-way. The secondary front property line may be included provided it faces property that is not residentially zoned.

“Subdivision wall sign.” A sign located on the wall near the entryway of a residential subdivision.

“Temporary sign.” Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a limited period of time only.

“Unified commercial sign.” A freestanding sign located on a specified commercial or industrial development that is platted, managed, or marketed as a single identifiable development with designated boundaries and includes off-site business identifications of business and/or activities located on other lots within the identifiable development when such sign, boundaries of properties involved, and conditions are approved by the planning and zoning commission.

“Vehicle sign.” Any sign attached to or painted on vehicles parked and visible from the public right-of-way.

“Visibility triangle.” A clear view area, between heights of three (3) and ten (10) feet, formed by the corner and points on every property line, extending thirty-five (35) from the intersection or entrance.

“Wall sign.” Any sign attached parallel to, but within six inches of, a wall and its leading edge no more than twelve (12) inches from the wall. The signs shall be constructed and confined within the limits of an outside wall of any building or structure, which is supported by such a wall or building, and which displays only one sign surface. For the purpose of this section, awnings, canopy fascias and mansards extending along a building side shall be considered a part of the wall. Lighted signs in a window affixed to a window, or otherwise located for the purpose of being viewed from the exterior of a building through a window shall also be considered a wall sign.

“Window sign.” Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

17.92.040 Prohibited signs or characteristics of signs.

A. Signs not expressly permitted as being allowed by right or by permit under this ordinance, by specific requirements in another portion of this Ordinance, or otherwise expressly allowed by the City Council or Board of Adjustment are not allowed within the City. Such signs include, but are not limited to:
   1. Signs which imitate or resemble any official traffic sign, signal or device; or which use a revolving beam or beacon resembling any emergency vehicle, or are located or illuminated in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device, or so as to obstruct or interfere with the view of a driver of approaching, emerging, or intersecting traffic, or so as to prevent any traveler on any street from obtaining a clear view of approaching vehicles for a distance of 250 feet along the street.
   2. Signs which are erected or maintained upon trees or which are painted or drawn upon rocks or other natural features.
   3. Beacons and/or searchlights.
   4. Strings of lights not permanently mounted to a rigid background, except those holiday lights and decorations exempt by this chapter.
   5. Projecting signs; except blade or canopy signs.
   6. Roof signs.
   7. Off-premises signs, products or services, except if approved as a unified commercial sign as provided by this chapter.
   8. Animated or moving signs.
   9. Signs located on private property without the consent of the owner of said premises.
   10. Signs that are located in or interfere with the use of a required off-street parking space or maneuvering area.
   11. Signs which are, or are becoming deteriorated, dilapidated or in danger of falling or otherwise unsafe.
   12. Any unauthorized sign on or attached to a public street light, utility pole, hydrant, bridge, traffic control device, street sign, or other public structure or building, or any sign located in, on, over or within a public street, sidewalk, alley, easement, or right-of-way.
   13. Illuminated signs, which:
      a. Are illuminated in such a manner, due to high intensity light fixtures or without proper shielding, so as to constitute a hazard to the operation of motor vehicles upon a public street or substantially interfere with the reasonable enjoyment of residential property; or
      b. Have any type of intermittent illumination, including flashing, fading, revolving, intermittently lighted, changing color or blinking lights.
   14. Balloons or other inflatable devises.
   15. Signs which display obscene, indecent, or immoral matter.
   16. Pole signs.
   17. Painted wall signs.
   18. Signs that contain exposed bulbs and/or exposed neon.
   19. Signs that contain reflective materials.
   20. Signs that are made structurally sound by guy wires or unsightly bracing.

B. Nothing in this Title prohibits signs placed on public property designated as an official polling place on a designated election day so long as such signs are located outside the specified distance from the polling place entrance as permitted by state election laws.

17.92.050 Exempt Signs.

The following signs shall be exempt from regulations under this chapter:

A. Government signs. A government sign is a sign that is constructed, placed, and/or maintained by the federal, state, or local government or a sign that is required to be constructed, placed, or maintained by the federal, state, or local government either directly or to enforce a property owner's rights.
B. Traffic control devices that are erected and maintained to comply with the Texas Manual on Uniform Traffic Control Devices, as approved by the City Engineer.
C. Signs required by other law, including federal, state, or local law, including a sign that a property owner is required to post on the owner's property to warn of danger or to prohibit access to the property, either generally or specifically; the owner must comply with the federal, state or local law to post a sign on the property.
D. Vehicle signs, when such vehicle is used in the normal day-to-day operations of the business (i.e. is used or moved at least once during a seventy-two (72) hour period).
E. Any sign inside a building, not attached to a window or door that is not legible from a distance of more than three (3) feet beyond the lot line of the lot or parcel on which such sign is located.
F. Works of art that do not include a commercial message.
G. Holiday lights and decorations with no commercial message, provided they are maintained in accordance with applicable regulations.
H. Seasonal and/or promotional banners installed by the Fort Worth Independent School District attached to street light poles, utility poles or other authorized structures. Banners shall not exceed fifteen (15) square feet per banner and each pole or other authorized structure shall not have more than two (2) banners attached.

17.92.060 Permits required.

A. Permits. Except as otherwise provided for herein; no sign shall be erected, altered, changed, or reconstructed in whole or in part, within the City without first obtaining a permit. Separate electrical permits are required for those signs requiring electrical inspections.
B. Calculating sign area. Sign area is calculated by taking the area of the smallest individual rectangle, triangle or circle or combination of not more than two (2) contiguous rectangles, triangles, or circles which will encompass all elements of the sign which form an integral part of the display, including background, borders and structural trim. The area of a double face sign shall be construed to be the area of the largest single face of the sign, provided that the interior angle formed by the two faces does not exceed thirty (30) degrees.
C. A permit shall not be required for:
    1. Routine maintenance; adjustments, replacement of light bulbs, etc. on existing signs.
    2. When a sign has been damaged by fire, windstorm, or other causes, immediate work may be done to prevent damage to property or hazard to persons, and to this extent only. Notice will be given as soon as practical to the building official.
    3. Window signs where expressly allowed; however, regulations still apply.
    4. Incidental signs where expressly allowed; however, regulations still apply.
    5. Temporary signs where expressly allowed; however, regulations still apply.

17.92.070 Single family residential districts.

Expressly permitted signs and regulations for single family districts:

A. The following regulations apply to signs within the “A,” “B,” “BR,” “SD,” “RE,” and “MH” Districts:
   1. Subdivision wall signs. Residential developments may place a sign on a masonry wall. Each entrance is permitted one (1) sign, not to exceed thirty (30) square feet in size, and illuminated only by spot-lighting; and the masonry wall must be controlled, owned, and maintained by a valid property owner association.
   2. Model home signs. Each builder may construct one (1) sign where they have located a real estate sales office/model home. Only one (1) sign is allowed per builder, per subdivision and the sign shall not exceed forty-eight (48) square feet and six (6) feet in height. Once the home is sold, the sign must be removed.
   3. Flags. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, or other noncommercial flag, may be flown provided that such a flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. These flags should be flown in accordance with the United States Flag Code (Title 36, Chapter 10, United States Code, Paragraphs 170-178).
   4. Temporary signs.
      a. A property owner may place one (1) temporary sign with a sign face no larger than six (6) square feet on the property at any time to display a noncommercial message.
      b. One (1) additional temporary sign, not exceeding nine (9) square feet in size, may be located on the owner’s property for a period of ninety (90) days prior to an election involving candidates for a federal, state, or local office that represent the district in which the property is located or involving an issue on a ballot of an election within the district where the property is located per issue and per candidate. Any sign covered by this subsection may remain on the property up to seven (7) days after the election at issue. This section does not limit the content on the signs allowed under this subsection.
      c. One additional temporary sign, not exceeding six (6) square feet in size, may be located on a property without a permit when the owner consents to the placement of a sign that property is for sale or lease or if an individual unit or units is for sale or lease. A sign posted under this section must be removed within ten (10) days after a contract of sale has been executed or a rental agreement has been executed. This subsection does not limit the content of the sign allowed under this subsection.

17.92.080 Multi-family districts.

Expressly permitted signs and regulations for multi-family districts:

A. The following regulations apply to signs within the “CR” and “C” Districts:
   1. Subdivision wall signs. Residential developments may a sign, located on a masonry wall. Each entrance is permitted one (1) sign, not to exceed thirty (30) square feet in size, and illuminated only by spot-lighting; and the masonry wall must be controlled, owned, and maintained by a valid property owner association.

2. Model Home Signs. Each builder may construct one (1) sign where they have located a real estate sales office/model home. Only one (1) sign is allowed per builder, per subdivision and the sign shall not exceed forty-eight (48) square feet and six (6) feet in height. Once the home is sold, the sign must be removed.
3. Flags. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction may be flown provided that such a flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. These flags must be flown in accordance with the United States Flag Code (Title 36, Chapter 10, United States Code, Paragraphs 170-178).
4. Building Signs.
   a. Address signs for residential uses. Each dwelling unit shall display its official address.
   b. Address signs for non-residential uses. Each building and suite shall display its official address.
5. Temporary signs.
   a. A property owner may place one (1) temporary sign with a sign face no larger than six (6) square feet on the property at any time to display a noncommercial message.
   b. One (1) additional temporary sign, not exceeding nine (9) square feet in size, may be located on the owner's property for a period of ninety (90) days prior to an election involving candidates for a federal, state, or local office that represent the district in which the property is located or involving an issue on a ballot of an election within the district where the property is located per issue and per candidate. Any sign covered by this subsection may remain on the property up to seven (7) days after the election at issue. This section does not limit the content on the signs allowed under this subsection.
   c. One additional temporary sign, not exceeding six (6) square feet in size, may be located on a property without a permit when the owner consents to the placement of a sign that property is for sale or lease or if an individual unit or units is for sale or lease. A sign posted under this section must be removed within ten (10) days after a contract of sale has been executed or a rental agreement has been executed. This subsection does not limit the content of the sign allowed under this subsection.

B. The following regulations apply to signs within the "D" District.
1. Freestanding signs. Properties shall have no more than one (1) freestanding sign per 100 feet of frontage. Each freestanding sign shall be a minimum of 50 feet from each other on the same property or within the boundaries of a unified development. No portion of the sign or structure may be located within any easement or visibility triangle. Freestanding signs are regulated as follows:
   a. Monument signs. Each sign shall be a maximum of forty (40) square feet in sign area, a maximum of six (6) feet in height. The sign structure shall be low profile, made of stone, concrete, metal, brick or similar materials or combination of materials, which repeats or harmonizes with the architecture of the establishment it serves. The sign must include a solid masonry base, at least twelve (12) inches in height, and which has no clear space for the full width of the sign between the bottom of the sign and the ground. The above ground portion of the base is considered part of the total

allowable height of the sign. The sign shall be a minimum of five (5) feet from the street right-of-way line.

2. Building signs. Authorized building signs are and shall be regulated as follows:
   a. Wall signs. Each property is allowed a maximum of sixty (60) square feet of signage. Signs must be parallel to, but within 6 inches of a wall, and erected and confined within the limits of an outside wall of any building.
   b. Address sign for residential uses. Each dwelling unit shall display its official address. Not included in wall sign area calculation.
   c. Address signs for non-residential uses. Each building and suite shall display its official address. Not included in wall sign area calculation.
3. Flags. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, or other noncommercial flag, may be flown provided that such a flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. These flags should be flown in accordance with the United States Flag Code (Title 36, Chapter 10, United States Code, Paragraphs 170-178). One (1) Commercial flag, flown in conjunction with noncommercial flags, may be flown provided that the commercial flag does not exceed the size or height of the noncommercial flag on the property, or exceeding fifteen (15) square feet, whichever is larger. Any flag not meeting one or more of these conditions shall be considered a banner sign and shall be subject to regulations as such.
4. Incidental signs. Each sign shall be a maximum of four (4) square feet in sign area, and a maximum of four (4) feet in height. The sign may contain a commercial message not exceeding one (1) square foot in sign area. Signs placed on the building or wall, shall not contain a commercial message.
5. Temporary signs.
   a. A property owner may place one (1) temporary sign with a sign face no larger than sixteen (16) square feet on the property at any time to display a noncommercial message.
   b. One (1) additional temporary sign, not exceeding forty (40) square feet in size, may be located on the owner's property for a period of ninety (90) days prior to an election involving candidates for a federal, state, or local office that represent the district in which the property is located or involving an issue on a ballot of an election within the district where the property is located per issue and per candidate. Any sign covered by this subsection may remain on the property up to seven (7) days after the election at issue. This section does not limit the content on the signs allowed under this subsection.
   c. One additional temporary sign, not exceeding thirty-two (32) square feet in size, may be located on a property without a permit when the owner consents to the placement of a sign that property is for sale or lease or if an individual unit or units is for sale or lease. A sign posted under this section must be removed within ten (10) days after a contract of sale has been executed or a rental agreement has been executed. This subsection does not limit the content of the sign allowed under this subsection.
   d. New developments and remodels. While working under a valid building permit for new construction or remodel, a property may have one (1) temporary sign, not to exceed sixty-four (64) square feet in size and eight feet in height. The sign must be

removed either when the final inspection has been passed or when the permit has expired.

17.92.090 Non-residential and mixed-use districts.

Expressly permitted signs and regulations for non-residential and mixed-use districts:

A. The following regulations apply to signs within the “E” and “CF” Districts:
   1. Freestanding signs. Properties shall have no more than one (1) freestanding sign per 100 feet of street frontage. Each freestanding sign shall be a minimum of fifty (50) feet from each other on the same property or within the boundaries of a unified development. Except for unified commercial signs, a property with multiple tenants are permitted a ten percent (10%) increase over the maximum sign area allowed for each additional tenant, up to a maximum of one-hundred percent (100%); only one (1) sign per property may qualify for the multiple tenant increase. No portion of the sign or structure may be located within any easement or visibility triangle. Freestanding signs are regulated as follows:
      a. Pylon signs. The signs shall have a maximum sign area of eighty (80) square feet and a maximum height of thirty-five (35) feet. The lowest portion of the sign area, cabinet, or structure shall be a minimum of eight (8) feet above grade. The sign face shall be contained entirely between two columns or supports, which are permanently affixed to the ground. The sign must be a minimum of twenty-five (25) feet from any property line; however, in no case shall the actual sign height exceed the actual sign setback from a street right-of way line or any adjacent lot that is zoned and used for residential purposes.
      b. Monument signs. The signs shall have a maximum sign area of eighty (80) square feet and a maximum of six (6) feet in height. The sign shall be low profile, made of stone, concrete, metal, brick or similar materials or combination of materials, which repeats or harmonizes with the architecture of the establishment it serves. The sign must include a solid masonry base, at least twelve (12) inches in height, and which has no clear space for the full width of the sign between the bottom of the sign and the ground. The above ground portion of the base is considered part of the total allowable height of the sign. The sign must be a minimum of five (5) feet from any property line.
      c. Changeable copy signs. Allowed on any freestanding sign, except incidental signs. Changeable copy signs are regulated as follows:
         i. Dwell Time: Changeable copy signs, whether electronic, digital, manual or automatic that changes more frequently than one frame every thirty seconds shall be prohibited, except those displaying time and temperature information only.
         ii. Transition: The duration or interval of time between each individual advertisement, message or picture is a maximum of two seconds and shall not include fading, movement, or other electronic effects.
         iii. Dim Control: Changeable copy signs shall have a sensor or other device, manual or automatic, that adjusts the brightness of the sign to be no more than three-tenths foot-candles greater than ambient light conditions when measured at the closest property line.

iv. Prohibited Content: No portion of a changeable copy sign may scroll, fluctuate in light intensity, use sudden transitory bursts or create the illusion of movement.
v. Maintenance: Any changeable copy sign using electronic or electro-mechanical technology which malfunctions, fails, or ceases to operate in its usual or normal programmed manner in accordance with these regulations shall be repaired or disconnected within 48 hours by the owner or operator of such sign.
vi. Conformity: A changeable copy sign cannot be installed on an existing sign that is nonconforming unless the entire sign is brought into compliance with all applicable provisions of this chapter.

2. Building signs. Total for all building signs shall not exceed twenty-five percent (25%) of the total wall area. Building signs are regulated as follows:
   a. Wall signs. Total wall sign area shall not exceed twenty-five percent (25%) of the wall area, including windows to which it is attached. Signs must be parallel to, but within six (6) inches of a wall, and its leading edge no more than twelve (12) inches from the wall. Signs shall be constructed and confined within the limits of an outside wall of any building.
   b. Banner (wall) signs. Banners shall be securely mounted flush with the surface of the building. Sign area shall be included with the total wall sign area allowed.
   c. Blade signs. Signs shall be a maximum of eight (8) square feet and regulated as follows:
      i. Affixed perpendicular to the building façade and may be located under a canopy or awning or under the soffit of an arcade.
      ii. Shall be installed with a minimum clearance of eight (8) feet above grade and/or sidewalk.
      iii. Shall not extend over any parking or travel lane.
   d. Canopy signs. Signs shall be regulated as follows:
      i. A sign that is affixed to the top of an awning, canopy or structural cover over an entry or outdoor service area shall not extend more than twenty-four (24) inches above the edge of the structure to which it is attached.
      ii. Individual letters attached across the length of the awning, canopy, or structural cover are permitted.
      iii. Signs on the angled portion of a canopy or awning shall not exceed more than seventy-five percent (75%) of the canopy area to which it will be applied.
   e. Window signs. Allowed so long as they are painted on or affixed within the building and do not cover more than twenty-five percent (25%) of the total window area.
   f. Address sign for residential uses. Each dwelling unit shall display its official address.
   g. Address signs for non-residential uses. Each building and suite shall display its official address.
3. Flags. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, or other noncommercial flag, may be flown provided that such a flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. These flags should be flown in accordance with the United States Flag Code (Title 36, Chapter 10, United States Code, Paragraphs 170-178). One (1) Commercial flag, flown in conjunction with noncommercial flags, may be flown provided that the commercial flag does not exceed the size or height of the noncommercial flag on the property, or

exceeding fifteen (15) square feet, whichever is larger. Any flag not meeting one or more of these conditions shall be considered a banner sign and shall be subject to regulations as such.

4. Incidental signs. Each sign shall be a maximum of four (4) square feet in sign area and a maximum of four (4) feet in height. The sign may contain a commercial message not exceeding one (1) square foot in sign area.
5. Temporary signs.
    a. A property owner may place one (1) temporary sign with a sign face no larger sixteen (16) square feet on the property at any time to display a noncommercial message.
    b. Portable signs. Portable signs may be temporarily located on property subject to the following conditions:
        i. No portable sign shall be located within the city unless a permit is issued by building official.
        ii. Except as provided in Section “xi” below, not more than one portable sign may be located on a single platted lot of record or parcel as shown on the City's tax records at any time.
        iii. Portable signs may not exceed fifty (50) square feet of sign area and eight (8) feet in overall height.
        iv. All portable signs must be located on private property, a minimum of thirty-five (35) feet from the intersection of any street or highway right-of-way.
        v. Portable signs may not be located in areas where they, create a safety hazard to vehicular or pedestrian traffic.
        vi. Except as provided in “xi” below, permits may be issued by the inspection department for periods not to exceed twenty-eight (28) days per occasion and not to exceed four (4) occasions per calendar year for a portable sign on any single platted lot of record or parcel as shown on the city's tax records under the same ownership.
        vii. All applications for portable sign permits presented to the building inspection department must include the following information: name, address, phone number of the owner of the property, the renter of the sign, and the owner of the sign; the proposed dates the sign would be located on the property; the signature of the sign owner responsible for removal of the portable sign; and a scale drawing including the legal description of the property, all applicable property lines and dimensions, all street intersections, all applicable driveways, all applicable parking and off-street traffic circulation areas, and accurately showing the proposed location of the portable sign. Except as provided in item “xi” below, the owner of any portable sign shall be responsible for obtaining the permit required herein and shall be responsible for any violations of this Title whether the sign is leased or rented to another or not. Upon obtaining a building permit, the owner of said sign shall sign a statement indemnifying and holding the City harmless for any damages which may result from the placement of said sign.
        viii. Portable signs, when permitted, may not be relocated to any other location on the property or to another property without prior authorization from the building inspection department. Any approved relocation of a permitted portable sign does not extend the authorized time period of the sign.
        ix. Portable signs shall be required to meet all applicable building and electrical codes.

x. Portable signs shall be maintained in good state of repair and shall not be allowed to become dilapidated, unsightly, or deteriorated.

xi. Portable Signs on Multiple Tenant Properties: Properties with multiple tenants (e.g. shopping centers or strips) and having more than 400 feet of street frontage are permitted to have two (2) portable signs present on a single property. For properties with over 600 feet of street frontage are permitted an additional sign for each 200 feet of street frontage above four hundred feet. Properties with multiple tenants may increase the total number of occasions allowed per calendar year by four (4) for each 200 feet of frontage above the first 200 feet. Applications for portable signs on multiple tenant properties must be made by the property owner or their designated property manager or by the sign contractor with written authorization from the owner or property manager authorizing the specific sign being requested. It is the duty of the property owner or manager to determine which tenant shall be authorized for a sign within the total number allowed.

c. One (1) additional temporary sign, not exceeding eighty (80) square feet in size, may be located on the owner's property for a period of ninety (90) days prior to an election involving candidates for a federal, state, or local office that represent the district in which the property is located or involving an issue on a ballot of an election within the district where the property is located per issue and per candidate. Any sign covered by this subsection may remain on the property up to seven (7) days after the election at issue. This section does not limit the content on the signs allowed under this subsection.

d. One additional temporary sign, not exceeding thirty-two (32) square feet in size, may be located on a property without a permit when the owner consents to the placement of a sign that property is for sale or lease or if an individual unit or units is for sale or lease. A sign posted under this section must be removed within ten (10) days after a contract of sale has been executed or a rental agreement has been executed. This subsection does not limit the content of the sign allowed under this subsection.

e. New developments and remodels. While working under a valid building permit for new construction or remodel, a property may have one (1) temporary sign, not to exceed sixty-four (64) square feet in size and eight (8) feet in height. The sign must be removed either when the final inspection has been passed or when the permit has expired.

f. Special event signs ("E" district only). Pennants and banners for special events (e.g. grand openings) are only allowed for thirty (30) days within a twelve-month period.

B. The following regulations apply to signs within the "F," "HC," "G," and "MU" Districts:

1. Freestanding signs. Properties shall have no more than one (1) freestanding sign per 100 feet of street frontage. Each freestanding sign shall be a minimum of fifty (50) feet from each other on the same property or within the boundaries of a unified development. Except for unified commercial signs, a property with multiple tenants are permitted a ten percent (10%) increase over the maximum sign area allowed for each additional tenant, up to a maximum of one-hundred percent (100%); only one (1) sign per property may qualify for the multiple tenant increase. No portion of the sign or structure may be located within any easement or visibility triangle. Freestanding signs are regulated as follows:

a. Pylon signs. The signs shall have a maximum sign area of 120 square feet and a maximum height of thirty-five (35) feet. The lowest portion of the sign area, cabinet, or structure shall be a minimum of eight (8) feet above grade. The sign face shall be contained entirely between two columns or supports, which are permanently affixed to the ground. The sign must be a minimum of twenty-five (25) feet from any property line; however, in no case shall the actual sign height exceed the actual sign setback from a street right-of-way line or any adjacent lot that is zoned and used for residential purposes.
b. Monument signs. The signs shall have a maximum sign area of 120 square feet and a maximum of six (6) feet in height. The sign shall be low profile, made of stone, concrete, metal, brick or similar materials or combination of materials, which repeats or harmonizes with the architecture of the establishment it serves. The sign must include a solid masonry base, at least twelve (12) inches in height, and which has no clear space for the full width of the sign between the bottom of the sign and the ground. The above ground portion of the base is considered part of the total allowable height of the sign. The sign must be a minimum of five (5) feet from any property line.
c. Unified commercial signs (not permitted in “MU” districts). Unified commercial signs shall be limited to freestanding pylon signs or monument signs.
    i. Overall sign area shall not exceed 160 square feet provided that the top portion of any sign shall only identify the development by name and/or logo and shall occupy twenty-five percent (25%) of the total sign area. The remaining seventy-five percent (75%) of the sign area may be divided among properties and/or businesses located within the designated boundaries of the unified development as approved by the planning and zoning commission. The spaces in the properties and/or businesses portion of the sign shall be limited to business names and/or logos. No changeable copy signs or identifiers shall be approved.
    ii. Maximum height of any pylon sign shall be thirty-five (35) feet above the nearest adjacent street curb, with a minimum setback of thirty-five (35) feet. In no case shall a sign exceed a height of thirty-five (35) feet. Maximum height of any monument sign shall be six (6) feet above the nearest adjacent street curb.
    iii. Minimum setback of any pylon sign shall be twenty-five (25) feet from any property line or a sign with a maximum height of twenty-five (25) feet. Minimum setback of any monument sign shall be five feet.
    iv. Minimum separation between signs within an identifiable development as approved by the planning and zoning commission shall be four hundred feet.
    v. Except for unified commercial sign(s) approved by the planning and zoning commission, all other freestanding signs within the approved boundaries of the development shall be limited to monument signs as otherwise provided for in this chapter.
    vi. A sign owners association shall be established to provide for ownership, maintenance, utility service, liability, and orderly operation of the sign(s), including the distribution and locations of members' identifications on the business identifiers portion of the sign. The sign owners association shall be established by a document approved by the city attorney and recorded in Tarrant County Property Records. The established sign owners association shall include all properties in the unified commercial sign area as approved by the planning

and zoning commission, shall run with the land(s), and shall be perpetual in duration, except as may be amended only with approval of the planning and zoning commission including termination of approval, removal of the sign(s) and the execution of a document by all membership, approved by the city attorney and recorded in the Tarrant County Property Records. A property owners association may substitute for a sign owners association when the property owners association includes all provisions of a sign owners association as specified herein and is approved by the city attorney and recorded in the Tarrant County Property Records.

vii. The sign owners association document shall include provisions for establishing and maintaining financial resources, including dues, assessments, and liens; to provide for all maintenance and operation of approved sign(s).

viii. The sign owners association document shall establish private sign easements by location, dimensions and purpose on all host properties to accommodate all approved sign(s) including sufficient work space and landscape space around the base of a sign. The sign owners association document shall establish access provisions to sign(s) for maintenance and private easements to accommodate utility services to sign(s).

ix. Except as specified in items i-viii, above, all other provisions of Chapter 17.92 of this Title shall be in full force and effect.

d. Changeable copy signs. Allowed on any freestanding sign, except unified commercial signs. Signs are regulated as follows:

i. Dwell Time: Changeable copy signs, whether electronic, digital, manual or automatic that changes more frequently than one frame every thirty seconds shall be prohibited, except those displaying time and temperature information only.

ii. Transition: The duration or interval of time between each individual advertisement, message, or picture is a maximum of two seconds and shall not include fading, movement, or other electronic effects.

iii. Dim Control: Changeable copy signs shall have a sensor or other device, manual or automatic, that adjusts the brightness of the sign to be no more than three-tenths foot-candles greater than ambient light conditions when measured at the closest property line.

iv. Prohibited Content: No portion of a changeable copy sign may scroll, fluctuate in light intensity, use sudden transitory bursts, or create the illusion of movement.

v. Maintenance: Any changeable copy sign using electronic or electro-mechanical technology which malfunctions, fails, or ceases to operate in its usual or normal programmed manner in accordance with these regulations shall be repaired or disconnected within 48 hours by the owner or operator of such sign.

vi. Conformity: A changeable copy sign cannot be installed on an existing sign that is nonconforming unless the entire sign is brought into compliance with all applicable provisions of this chapter.

2. Building signs. Total for all building signs shall not exceed twenty-five percent (25%) of the total wall area. Building signs are regulated as follows:

a. Wall signs. Total wall sign area shall not exceed twenty-five percent (25%) of the wall area, including windows, to which it is attached. Signs must be parallel to, but within six (6) inches of a wall, and its leading edge no more than twelve (12) inches from

the wall. Signs shall be constructed and confined within the limits of an outside wall of any building.

b. Banner signs. Banners shall be securely mounted flush with the surface of the building. Sign area shall be included with the total wall sign area allowed.

c. Blade signs. Signs shall be a maximum of eight (8) square feet and regulated as follows:

   i. Affixed perpendicular to the building façade and may be located under a canopy or awning or under the soffit of an arcade.

   ii. Shall be installed with a minimum clearance of eight (8) feet above grade and/or sidewalk.

   iii. Shall not extend over any parking or travel lane.

d. Canopy signs. Signs shall be regulated as follows:

   i. A sign that is affixed to the top of an awning, canopy or structural cover over an entry or outdoor service area shall not extend more than twenty-four (24) inches above the edge of the structure to which it is attached.

   ii. Individual letters attached across the length of the awning, canopy, or structural cover are permitted.

   iii. Signs on the angled portion of a canopy or awning shall not exceed more than seventy-five percent (75%) of the canopy area to which it will be applied.

e. Window signs. Signs are allowed so long as they are painted on or affixed within the building and do not cover more than twenty-five percent (25%) of the total window area.

f. Address sign for residential uses. Each dwelling unit shall display its official address.

g. Address signs for non-residential uses. Each building and suite shall display its official address.

3. Flags. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, or other noncommercial flag, may be flown provided that such a flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. These flags should be flown in accordance with the United States Flag Code (Title 36, Chapter 10, United States Code, Paragraphs 170-178). One (1) Commercial flag, flown in conjunction with noncommercial flags, may be flown provided that the commercial flag does not exceed the size or height of the noncommercial flag on the property, or exceeding fifteen (15) square feet, whichever is larger. Any flag not meeting one or more of these conditions shall be considered a banner sign and shall be subject to regulations as such.

4. Incidental signs. Each sign shall be a maximum of four (4) square feet in sign area and a maximum of four (4) feet in height. The sign may contain a commercial message not exceeding one (1) square foot in sign area.

5. Temporary signs.

   a. A property owner may place one (1) temporary sign with a sign face no larger than sixteen (16) square feet on the property at any time to display a noncommercial message.

   b. Portable signs. Portable signs may be temporarily located on property subject to the following conditions:

i. No portable sign shall be located within the city unless a permit is issued by building official.
ii. Except as provided in Section “xi” below, not more than one portable sign may be located on a single platted lot of record or parcel as shown on the City's tax records at any time.
iii. Portable signs may not exceed fifty (50) square feet of sign area and eight (8) feet in overall height.
iv. All portable signs must be located on private property, a minimum of thirty-five (35) feet from the intersection of any street or highway right-of-way.
v. Portable signs may not be located in areas where they, create a safety hazard to vehicular or pedestrian traffic.
vi. Except as provided in “xi” below, permits may be issued by the inspection department for periods not to exceed twenty-eight (28) days per occasion and not to exceed four (4) occasions per calendar year for a portable sign on any single platted lot of record or parcel as shown on the city's tax records under the same ownership.
vii. All applications for portable sign permits presented to the building inspection department must include the following information: name, address, phone number of the owner of the property, the renter of the sign, and the owner of the sign; the proposed dates the sign would be located on the property; the signature of the sign owner responsible for removal of the portable sign; and a scale drawing including the legal description of the property, all applicable property lines and dimensions, all street intersections, all applicable driveways, all applicable parking and off-street traffic circulation areas, and accurately showing the proposed location of the portable sign. Except as provided in item “xi” below, the owner of any portable sign shall be responsible for obtaining the permit required herein and shall be responsible for any violations of this Title whether the sign is leased or rented to another or not. Upon obtaining a building permit, the owner of said sign shall sign a statement indemnifying and holding the city harmless for any damages which may result from the placement of said sign.
viii. Portable signs, when permitted, may not be relocated to any other location on the property or to another property without prior authorization from the building inspection department. Any approved relocation of a permitted portable sign does not extend the authorized time period of the sign.
ix. Portable signs shall be required to meet all applicable building and electrical codes.
x. Portable signs shall be maintained in good state of repair and shall not be allowed to become dilapidated, unsightly, or deteriorated.
xi. Portable Signs on Multiple Tenant Properties: Properties with multiple tenants (e.g. shopping centers or strips) and having more than 400 feet of street frontage are permitted to have two (2) portable signs present on a single property. For properties with over 600 feet of street frontage are permitted an additional sign for each 200 feet of street frontage above four hundred feet. Properties with multiple tenants may increase the total number of occasions allowed per calendar year by four (4) for each 200 feet of frontage above the first 200 feet. Applications for portable signs on multiple tenant properties must be made by the property owner or their designated property manager or by the sign contractor

with written authorization from the owner or property manager authorizing the specific sign being requested. It is the duty of the property owner or manager to determine which tenant shall be authorized for a sign within the total number allowed.

c. One (1) additional temporary sign, not exceeding 120 square feet in size, may be located on the owner's property for a period of ninety (90) days prior to an election involving candidates for a federal, state, or local office that represent the district in which the property is located or involving an issue on a ballot of an election within the district where the property is located per issue and per candidate. Any sign covered by this subsection may remain on the property up to seven (7) days after the election at issue. This section does not limit the content on the signs allowed under this subsection.

d. One additional temporary sign, not exceeding thirty-two (32) square feet in size, may be located on a property without a permit when the owner consents to the placement of a sign that property is for sale or lease or if an individual unit or units is for sale or lease. A sign posted under this section must be removed within ten (10) days after a contract of sale has been executed or a rental agreement has been executed. This subsection does not limit the content of the sign allowed under this subsection.

e. New developments and remodels. While working under a valid building permit for new construction or remodel, a property may have one (1) temporary sign, not to exceed sixty-four (64) square feet in size and eight (8) feet in height. The sign must be removed either when the final inspection has been passed or when the permit has expired.

f. Special event signs. Pennants and banners for special events (e.g. grand openings) are only allowed for thirty (30) days within a twelve-month period.

C. The following regulations apply to signs within the "H" District:

1. Freestanding signs. Properties shall have no more than one (1) freestanding sign per 100 feet of street frontage. Each freestanding sign shall be a minimum of fifty (50) feet from each other on the same property or within the boundaries of a unified development. Except for unified commercial signs, a property with multiple tenants are permitted a ten percent (10%) increase over the maximum sign area allowed for each additional tenant, up to a maximum of one-hundred percent (100%); only one (1) sign per property may qualify for the multiple tenant increase. No portion of the sign or structure may be located within any easement or visibility triangle. Freestanding signs are regulated as follows:

a. Pylon signs. The signs shall have a maximum sign area of 120 square feet, and a maximum height of thirty-five (35) feet. The lowest portion of the sign area, cabinet, or structure shall be a minimum of eight (8) feet above grade. The sign face shall be contained entirely between two columns or supports, which are permanently affixed to the ground. The sign must be a minimum of twenty-five (25) feet from any property line; however, in no case shall the actual sign height exceed the actual sign setback from a street right-of way or any adjacent lot that is zoned and used for residential purposes.

b. Monument signs. The signs shall have a maximum sign area of 120 square feet and a maximum of six (6) feet in height. The sign shall be low profile, made of stone, concrete, metal, brick or similar materials or combination of materials, which repeats or harmonizes with the architecture of the establishment it serves. The sign must

include a solid masonry base, at least twelve (12) inches in height, and which has no clear space for the full width of the sign between the bottom of the sign and the ground. The above ground portion of the base is considered part of the total allowable height of the sign. The sign must be a minimum of five (5) feet from any property line.

c. Unified commercial signs. Unified commercial signs shall be limited to freestanding pylon signs or monument signs.
   i. Overall sign area shall not exceed 160 square feet provided that the top portion of any sign shall only identify the development by name and/or logo and shall occupy twenty-five percent (25%) of the total sign area. The remaining seventy-five percent (75%) of the sign area may be divided among properties and/or businesses located within the designated boundaries of the unified development as approved by the planning and zoning commission. The spaces in the properties and/or businesses portion of the sign shall be limited to business names and/or logos. No changeable copy signs or identifiers shall be approved.
   ii. Maximum height of any pylon sign shall be thirty-five (35) feet above the nearest adjacent street curb, with a minimum setback of thirty-five (35) feet. In no case shall a sign exceed a height of thirty-five (35) feet. Maximum height of any monument sign shall be six (6) feet above the nearest adjacent street curb.
   iii. Minimum setback of any pylon sign shall be twenty-five (25) feet from any property line or a sign with a maximum height of twenty-five (25) feet. Minimum setback of any monument sign shall be five feet.
   iv. Minimum separation between signs within an identifiable development as approved by the planning and zoning commission shall be four hundred feet.
   v. Except for unified commercial sign(s) approved by the planning and zoning commission, all other freestanding signs within the approved boundaries of the development shall be limited to monument signs as otherwise provided for in this chapter.
   vi. A sign owners association shall be established to provide for ownership, maintenance, utility service, liability, and orderly operation of the sign(s), including the distribution and locations of members' identifications on the business identifiers portion of the sign. The sign owners association shall be established by a document approved by the city attorney and recorded in Tarrant County Property Records. The established sign owners association shall include all properties in the unified commercial sign area as approved by the planning and zoning commission, shall run with the land(s), and shall be perpetual in duration, except as may be amended only with approval of the planning and zoning commission including termination of approval, removal of the sign(s) and the execution of a document by all membership, approved by the city attorney and recorded in the Tarrant County Property Records. A property owners association may substitute for a sign owners association when the property owners association includes all provisions of a sign owners association as specified herein and is approved by the city attorney and recorded in the Tarrant County Property Records.
   vii. The sign owners association document shall include provisions for establishing and maintaining financial resources, including dues, assessments, and liens; to provide for all maintenance and operation of approved sign(s).

viii. The sign owners association document shall establish private sign easements by location, dimensions and purpose on all host properties to accommodate all approved sign(s) including sufficient work space and landscape space around the base of a sign. The sign owners association document shall establish access provisions to sign(s) for maintenance and private easements to accommodate utility services to sign(s).

ix. Except as specified in items i-viii, above, all other provisions of Chapter 17.92 of this Title shall be in full force and effect.

d. Changeable copy signs. Allowed on any freestanding sign, except unified commercial signs. Changeable copy signs are regulated as follows:

i. Dwell Time: Changeable copy signs, whether electronic, digital, manual or automatic that changes more frequently than one frame every thirty seconds shall be prohibited, except those displaying time and temperature information only.

ii. Transition: The duration or interval of time between each individual advertisement, message, or picture is a maximum of two seconds and shall not include fading, movement, or other electronic effects.

iii. Dim Control: Changeable copy signs shall have a sensor or other device, manual or automatic, that adjusts the brightness of the sign to be no more than three-tenths foot-candles greater than ambient light conditions when measured at the closest property line.

iv. Prohibited Content: No portion of a changeable copy sign may scroll, fluctuate in light intensity, use sudden transitory bursts, or create the illusion of movement.

v. Maintenance: Any changeable copy sign using electronic or electro-mechanical technology which malfunctions, fails, or ceases to operate in its usual or normal programmed manner in accordance with these regulations shall be repaired or disconnected within 48 hours by the owner or operator of such sign.

vi. Conformity: A changeable copy sign cannot be installed on an existing sign that is nonconforming unless the entire sign is brought into compliance with all applicable provisions of this chapter.

2. Building signs. Total for all building signs shall not exceed twenty-five percent (25%) of the total wall area. Building signs are regulated as follows:

a. Wall signs. Total wall sign area shall not exceed twenty-five percent (25%) of the wall area, including windows to which it is attached. Signs must be parallel to, but within six (6) inches of a wall, and its leading edge no more than twelve (12) inches from the wall. Signs shall be constructed and confined within the limits of an outside wall of any building.

b. Banner signs. Banners shall be securely mounted flush with the surface of the building. Sign area shall be included with the total wall sign area allowed.

c. Blade signs. Signs shall be a maximum of eight (8) square feet and regulated as follows:

i. Affixed perpendicular to the building façade and may be located under a canopy or awning or under the soffit of an arcade.

ii. Shall be installed with a minimum clearance of eight (8) feet above grade and/or sidewalk.

iii. Shall not extend over any parking or travel lane.

d. Canopy signs. Signs shall be regulated as follows:

i. A sign that is affixed to the top of an awning, canopy or structural cover over an entry or outdoor service area shall not extend more than twenty-four (24) inches above the edge of the structure to which it is attached.
ii. Individual letters attached across the length of the awning, canopy, or structural cover are permitted.
iii. Signs on the angled portion of a canopy or awning shall not exceed more than seventy-five percent (75) of the canopy area to which it will be applied.

e. Address sign for residential uses. Each dwelling unit shall display its official address.
f. Address signs for non-residential uses. Each building and suite shall display its official address.

3. Flags. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, or other noncommercial flag, may be flown provided that such a flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. These flags should be flown in accordance with the United States Flag Code (Title 36, Chapter 10, United States Code, Paragraphs 170-178). One (1) Commercial flag, flown in conjunction with noncommercial flags, may be flown provided that the commercial flag does not exceed the size or height of the noncommercial flag on the property, or exceeding fifteen (15) square feet, whichever is larger. Any flag not meeting one or more of these conditions shall be considered a banner sign and shall be subject to regulations as such.
4. Incidental signs. Each sign shall be a maximum of four (4) square feet in sign area and a maximum of four (4) feet in height. The sign may contain a commercial message not exceeding one (1) square foot in sign area.
5. Temporary signs.
   a. A property owner may place one (1) temporary sign with a sign face no larger than sixteen (16) square feet on the property at any time to display a noncommercial message.
   b. Portable signs. Portable signs may be temporarily located on property subject to the following conditions:
      i. No portable sign shall be located within the city unless a permit is issued by building official.
      ii. Except as provided in Section “xi” below, not more than one portable sign may be located on a single platted lot of record or parcel as shown on the City's tax records at any time.
      iii. Portable signs may not exceed fifty (50) square feet of sign area and eight (8) feet in overall height.
      iv. All portable signs must be located on private property, a minimum of thirty-five (35) feet from the intersection of any street or highway right-of-way.
      v. Portable signs may not be located in areas where they, create a safety hazard to vehicular or pedestrian traffic.
      vi. Except as provided in “xi” below, permits may be issued by the inspection department for periods not to exceed twenty-eight (28) days per occasion and not to exceed four (4) occasions per calendar year for a portable sign on any single platted lot of record or parcel as shown on the city's tax records under the same ownership.

vii. All applications for portable sign permits presented to the building inspection department must include the following information: name, address, phone number of the owner of the property, the renter of the sign, and the owner of the sign; the proposed dates the sign would be located on the property; the signature of the sign owner responsible for removal of the portable sign; and a scale drawing including the legal description of the property, all applicable property lines and dimensions, all street intersections, all applicable driveways, all applicable parking and off-street traffic circulation areas, and accurately showing the proposed location of the portable sign. Except as provided in item “xi” below, the owner of any portable sign shall be responsible for obtaining the permit required herein and shall be responsible for any violations of this Title whether the sign is leased or rented to another or not. Upon obtaining a building permit, the owner of said sign shall sign a statement indemnifying and holding the city harmless for any damages which may result from the placement of said sign.

viii. Portable signs, when permitted, may not be relocated to any other location on the property or to another property without prior authorization from the building inspection department. Any approved relocation of a permitted portable sign does not extend the authorized time period of the sign.

ix. Portable signs shall be required to meet all applicable building and electrical codes.

x. Portable signs shall be maintained in good state of repair and shall not be allowed to become dilapidated, unsightly, or deteriorated.

xi. Portable Signs on Multiple Tenant Properties: Properties with multiple tenants (e.g. shopping centers or strips) and having more than 400 feet of street frontage are permitted to have two (2) portable signs present on a single property. For properties with over 600 feet of street frontage are permitted an additional sign for each 200 feet of street frontage above four hundred feet. Properties with multiple tenants may increase the total number of occasions allowed per calendar year by four (4) for each 200 feet of frontage above the first 200 feet. Applications for portable signs on multiple tenant properties must be made by the property owner or their designated property manager or by the sign contractor with written authorization from the owner or property manager authorizing the specific sign being requested. It is the duty of the property owner or manager to determine which tenant shall be authorized for a sign within the total number allowed.

c. One (1) additional temporary sign, not exceeding 120 square feet in size, may be located on the owner’s property for a period of ninety (90) days prior to an election involving candidates for a federal, state, or local office that represent the district in which the property is located or involving an issue on a ballot of an election within the district where the property is located per issue and per candidate. Any sign covered by this subsection may remain on the property up to seven (7) days after the election at issue. This section does not limit the content on the signs allowed under this subsection.

d. One additional temporary sign, not exceeding thirty-two (32) square feet in size, may be located on a property without a permit when the owner consents to the placement of a sign that property is for sale or lease or if an individual unit or units is for sale or lease. A sign posted under this section must be removed within ten (10) days after a

contract of sale has been executed or a rental agreement has been executed. This subsection does not limit the content of the sign allowed under this subsection.

e. New developments and remodels. While working under a valid building permit for new construction or remodel, a property may have one (1) temporary sign, not to exceed sixty-four (64) square feet in size and eight (8) feet in height. The sign must be removed either when the final inspection has been passed or when the permit has expired.

f. Special event signs. Pennants and banners for special events (e.g. grand openings) are only allowed for thirty (30) days within a twelve-month period.

17.92.100 Maintenance of existing signs.

A. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with the code, at all times.

B. All signs shall comply with applicable provisions of the International Building Code and the National Electric Code, as adopted by the City, including separation requirements from electrical lines, at all times.

C. All sings shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure, except where expressly allowed by this Title.

D. Removal or Repair of Dilapidated, Deteriorated or Unsafe Signs: If the building official shall determine that any sign is dilapidated, deteriorated, unsafe, insecure, or is a menace to the public, he shall give written notice to the owner, lessee or sign erector for such sign. Conforming signs may be repaired or removed, while nonconforming signs must be removed. If the owner lessee or sign erector fails to remove or repair the sign within ten (10) days after such notice, such sign may be removed by the building official at the expense of the owner of the property upon which it is located. The building official may cause any sign that is an immediate hazard to persons to be removed summarily and without notice and the cost of same shall be paid by the land owner.

17.92.110 Non-conforming signs.

A. Signs lawfully in existence on the date the provisions of this chapter are adopted that do not conform to the provisions of this Title, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed, or maintained, must be regarded as non-conforming.

B. Non-conforming signs may continue in use; however, any sign which is rebuilt, relocated, modified, enlarged, extended, altered other than by normal maintenances to the configuration existing at the time it was legally constructed must conform to the regulations of this chapter. Individual sign panel changes on freestanding signs may be allowed, with an approved sign permit, so long as the sign’s location, height, cabinet(s), basic construction, and other significant characteristics remain unchanged and the total sign area does not increase.

C. Zoning Board of Adjustment (ZBA). The ZBA may authorize the alteration or reconstruction of a nonconforming sign provided such reconstruction does not, in the judgment of the board, increase the degree of nonconformity of the sign and that the long-term goal of bringing signs into compliance is achieved. Applications for authorization under this section are subject to the same fees as a variance.

17.92.120 Abandoned or discontinued signs.

A. Removal of Abandoned or Obsolete Signs: Any sign, which the building official determines is abandoned or no longer serves a bona fide purpose or use conforming to this Title, shall be removed by the sign erector, owner or lessee of the land, buildings, or structure upon which the sign is located within ten (10) days after written notification to do so from the building official. Upon failure to comply with such notice, the building official is hereby authorized to cause the removal of such sign and any expense incident thereto shall be paid by the sign erector, owner or lessee of the land, building or structure to which such sign is attached or upon which it is erected.

17.92.130 Enforcement.

A. The building official, or designee, is hereby authorized and directed to enforce all the provisions of this Chapter.
B. The Responsible Party is responsible for compliance with this Chapter.
C. Signs Forfeited: Any sign installed or placed on public property, except in conformance with the requirements of this chapter, shall be forfeited to the public and subject to confiscation. A violation of this provision is subject to a fine as provided in Section 17.104.020 of this Title. In addition to other remedies hereunder, the City shall have the right to recover from the owner or persons placing such a sign the full costs of removal and disposal of such sign.

SECTION 2

That Section 17.79.060.B.2.d from Chapter 17.79 – Benbrook Boulevard Overlay District of Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, is hereby amended in its entirety to read as follows:

d. Temporary signs; except for:
   i. New developments and remodels. While working under a valid building permit for new construction or remodel, a property may have one (1) temporary sign, not to exceed sixty-four (64) square feet in size and eight (8) feet in height. The sign must be removed either when the final inspection has been passed or when the permit has expired.
   ii. One (1) additional temporary sign, not exceeding nine (9) square feet in size, may be located on the owner's property for a period of ninety (90) days prior to an election involving candidates for a federal, state, or local office that represent the district in which the property is located or involving an issue on a ballot of an election within the district where the property is located per issue and per candidate. Any sign covered by this subsection may remain on the property up to seven (7) days after the election at issue. This section does not limit the content on the signs allowed under this subsection.
   iii. One additional temporary sign, not exceeding thirty-two (32) square feet in size, may be located on a property without a permit when the owner consents to the placement of a sign that property is for sale or lease or if an individual unit or units is for sale or lease. A sign posted under this section must be removed within ten (10) days after a contract of sale has been executed or a rental agreement has been executed. This subsection does not limit the content of the sign allowed under this subsection.

SECTION 3

That Section 17.79.060.B.3 from Chapter 17.79 – Benbrook Boulevard Overlay District of Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, is hereby amended in its entirety to read as follows:

3. Sign alterations of non-conforming signs (Refer to Section 17.92.110 of the Benbrook Municipal Code).

SECTION 4

That Section 17.08.020 from Chapter 17.08 – Definitions of Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, is hereby amended by removing the following terms and their definitions in their entirety:

"Apartment sign"
"Balloon"
"Banner"
"Beacon"
"Billboard"
"Building marker"
"Commercial message"
"Directional sign"
"Directory sign"
"Electronic message center sign"
"Entryway sign"
"Flag"
"Gasoline price sign"
"Marquee"
"Menu board"
"Model home sign"
"Multi-tenant ground sign"
"Pennant"
"Reader board"
"Real estate sign"
"Roof signs"
"Sign"
"Sign, abandoned"
"Sign alteration"
"Sign, animated"
"Sign, apartment"
"Sign, balloon"
"Sign, banner"
"Sign, beacon"
"Sign, bench"
"Sign, billboard"
"Sign, blade"
"Sign, building"
"Sign, building blade"
"Sign, cabinet/can"
"Sign, canopy"
"Sign, changeable copy"
"Sign, contractor"
"Sign copy"
"Sign, detached"
"Sign, development"
"Sign, dilapidated or deteriorated"
"Sign, directory"
"Sign, electronic message center"
"Sign, entryway"
"Sign, flag"
"Sign, freestanding"
"Sign, gasoline price"
"Sign height"
"Sign, illegal"
"Sign, incidental"
"Sign, integral roof"
"Sign, marquee"
"Sign, menu board"
"Sign, model home"
"Sign, monument"
"Sign, multi-tenant freestanding"
"Sign, nonconforming"
"Sign, painted wall"
"Sign, pennant"
"Sign, pole"
"Sign, political"
"Sign, portable"
"Sign, projecting"
"Sign, pylon"
"Sign, real estate"
"Sign, residential"
"Sign, roof"
"Sign, sandwich board"
"Sign, searchlight"
"Sign setback"
"Sign spacing"
"Sign, suspended"
"Sign, temporary"
"Sign, tenant blade"
"Sign, vehicle"
"Sign, wall"
"Sign, window"
"Spacing"
"Unified commercial sign"

SECTION 5

That Section 17.08.020 from Chapter 17.08 – Definitions of Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, is hereby amended by adding the following term and definition:

"Sign." See Section 17.92.030 for sign types and definitions.

SECTION 6
CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Benbrook, Texas (1985), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 7
SEVERABILITY CLAUSE

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 8
PENALTY CLAUSE

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 Two Thousand Dollars ($2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars ($500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 9
SAVINGS CLAUSE

All rights and remedies of the City of Benbrook are expressly saved as to any and all violations of the provisions of the Benbrook Municipal Code (1985), as amended, or any ordinances regulating platting or Zoning 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 10
PUBLICATION IN PAMPHLET FORM

The City Secretary of the City of Benbrook is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

SECTION 11
ENGROSSMENT AND ENROLLMENT

The City Secretary of the City of Benbrook is hereby directed to engross and enroll the ordinance by copying the caption, penalty clause, and effective date clause of this ordinance in the minutes of the City Council and by filing the ordinance in the ordinance records of the City.

SECTION 12
PUBLICATION IN OFFICIAL NEWSPAPER

The City Secretary of the City of Benbrook is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, as authorized by Section 52.013 of the Local Government Code.

SECTION 13
EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and it is so ordained

PASSED AND APPROVED this _____ day _____of 20_____.

_____
Jerry B. Dittrich, Mayor

ATTESTED BY:

_____
Joanna King, City Secretary