

**AGENDA**  
**CITY OF THE COLONY, TEXAS**  
**SIGN BOARD OF APPEALS**  
**Wednesday, October 21, 2015**

After determining that a quorum is present, the Sign Board of Appeals of the City of The Colony, Texas will convene into Regular Session which will be held on Wednesday, October 21, 2015 at 6:30 PM in the City Council Chambers located in City Hall, 6800 Main Street, The Colony, Texas, at which time the following items will be addressed:

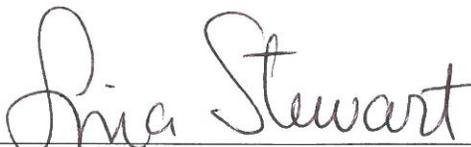
<b>1.0</b>	<b>CALL REGULAR SESSION TO ORDER</b>
<b>2.0</b>	<b>ITEMS FOR CONSIDERATION</b>
<b>2.1</b>	Consider approval of the minutes of the regular session of the September 16, 2015 Sign Board of Appeals meeting.
<b>3.0</b>	<b>PUBLIC HEARING ITEM</b>
<b>3.1</b>	<i>SI15-0015, Sign Ordinance Revision</i> Conduct a public hearing, discuss, and consider making a recommendation to City Council regarding an amendment to Section 6-261 (j), Feather Signs, of Article XI, Signs, of Chapter 6 of the Code of Ordinances.

“Pursuant to the Texas Open Meetings Act, Government Code Chapter 551, one or more of the above items may be considered in executive session closed to the public. Any decision held on such matter will be taken or conducted in open session following the conclusion of the executive session.”

Persons with disabilities who plan to attend this meeting who may need auxiliary aids such as interpreters for persons who are deaf or hearing impaired, readers or, large print are requested to contact Christie Wilson, City Secretary, at 972-624-3106 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

**CERTIFICATION**

I hereby certify that above notice of meeting was posted outside the front door of City Hall by 5:00 PM on the 16<sup>th</sup> day of October 2015.

  
\_\_\_\_\_  
Tina Stewart, Deputy City Secretary



**MINUTES  
CITY OF THE COLONY  
SIGN BOARD OF APPEALS  
Wednesday, September 16, 2015**

After determining that a quorum was present, the Sign Board of Appeals of the City of The Colony, Texas convened into Regular Session which was held on Wednesday, September 16, 2015 at 6:35 p.m. in the City Council Chambers located in City Hall, 6800 Main Street, The Colony, Texas, at which time the following items were addressed:

Board Members Present: Charles Tredo, Joel Ortega, Constance Yahwak, and Casey Truskunas.

Board Members Absent: Gerald Odum

Present from Staff: Mike Joyce, AICP, Planning Director; Surupa Sen, AICP, Senior Planner, Gordon Scruggs, P.E. Director of Development Services.

<b>1.0</b>	<b>CALL REGULAR SESSION TO ORDER</b>
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Chairman Tredo called the meeting to order at 6:35 p.m.

<b>2.0</b>	<b>ITEM FOR CONSIDERATION</b>
<b>2.1</b>	Consider approval of the minutes of the regular session of the July 15, 2015 Sign Board of Appeals meeting.

**Board Member Yahwak moved to approve the minutes as written, seconded by Board Member Ortega. The motion carried (4-0).**

Being no further discussion, Chairman Tredo adjourned the meeting at 6:38 p.m.

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**Charles Tredo, Chairman**

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**Surupa Sen, AICP, Senior Planner**

## SIGN BOARD OF APPEALS REPORT

**AGENDA DATE:** October 21, 2015

**DEPARTMENT:** Engineering/Development Services Department

**PLANNER:** J. Michael Joyce, AICP, 972-624-3162

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**SUBJECT *SI15-0015, Sign Ordinance Revision***

Conduct a public hearing, discuss, and consider making a recommendation to City Council regarding an amendment to Section 6-261 (j), Feather Signs, of Article XI, Signs, of Chapter 6 of the Code of Ordinances.

**BACKGROUND**

On April 5, 2011, the City Council adopted an ordinance which completely replaced the existing Sign Ordinance. Since the approval of a new Sign Ordinance, the ordinance has been amended several times. These amendments include:

- ▶ April 5, 2011 - City Council adopted the complete revised sign ordinance (Ord. No. 2011-1896).
- ▶ October 4, 2011 – City Council adopted minor revisions to the sign ordinance (Ord. No. 2011-1921).
- ▶ April 3, 2012 – City Council adopted minor revisions to the sign ordinance (Ord. No. 2012-1950).
- ▶ November 20, 2012 – City Council adopted the proposed revision to increase the number of feather sign permits from 3 to 6 times a calendar year. (Ord. No. 2012-1986).
- ▶ May 6, 2014 – City Council adopted the proposed revisions adding definitions for mannequin and mechanical signs; revising the definition of portable sign and revising Section 6-261(h) Political Signs in its entirety. (Ord. No. 2014-2068)

During the 2011 complete revision of the Sign Ordinance regulations, the display of temporary feather signs on commercial properties was approved by the City Council. At that time, it was determined that feather signs may not be displayed concurrently with banners since both are used to advertise special events and/or sales. Both the feather signs and the banners are allowed to be displayed for a maximum of 30 days per occurrence with three (3) occurrences per calendar year, for a total of temporary signage at one business to be six (6) times per calendar year.

The 2011 revised sign ordinance also limited the placement of banners by increasing the setback required from 25 to 50 feet from the right-of-way line (in addition to being able to display banners directly on the façade of businesses). This limitation to lawn placement impacted many of the businesses which had previously used banners for advertising, which led those businesses to rely more heavily on feather signs, which may be located closer to the right-of-way.

Therefore, in 2012, the City Council amended the Sign Ordinance to increase the number of occurrences that feather signs may be displayed from three (3) times per calendar year

to six (6) times per calendar year. The length of the permit (30 days) remained the same, which may be used concurrently.

With reconstruction of Main Street (F.M. 423), many of the businesses located within the reconstruction area have either had their regular monument or other types of signage removed and/or their access points removed or relocated. Many of these businesses also indicated that they have used flag signs in the past, which they believed caused an increase in their business.

**PROPOSED CODE REVISIONS FOR FEATHER SIGNS**

The following change is proposed to Section 6-261(j) Feather Signs (changes are shown in red and highlighted in yellow):

(j) Feather Signs		
Purpose	To allow applicants an alternative method of advertising special events and/or sales	 
Location	Feather signs may be	-

	<p>placed in the front yard of any business within a landscaped and/or grassy area</p> <p>Feather signs shall be located on the same lot as the applicant's business and directly in front of the business</p> <p>In cases where a pad site, another parcel or structure interferes with the usual placement of feather signs directly in front of the business, the chief building official will determine the appropriate placement and his decision regarding placement will be final</p> <p>Where a sidewalk exists, the placement of the feather signs shall be located on the opposite side of the sidewalk from the right-of-way and set back a minimum of 2 feet from the sidewalk</p> <p>Where no sidewalk exists, the placement of the feather signs shall be set back a minimum of 10 feet from the back-of-curb</p> <p>No feather signs shall be placed in the right-of-way or medians</p> <p>No feather sign shall encroach over or onto any public right-of-way or visibility triangle</p>	
Maximum Height	15 feet	
Maximum Effective Sign Area	30 square feet of effective sign area	
Maximum Number of Signs per Business	<p>(a) The maximum number of signs shall be calculated based on the width of the façade or face of the business that will be utilizing the feather signs, as follows:</p> <p>0—50 feet wide - maximum 3 signs</p> <p>51—100 feet wide - maximum 5 signs</p> <p>101—200 feet wide - maximum 7 signs</p>	

	<p>201 feet and greater - maximum 10 signs</p> <p>(b) The maximum number of signs for businesses fronting in and along F.M. 423 or businesses located within 200 feet of the intersection with F.M. 423 shall be calculated based on the width of the façade or face of the business that will be utilizing the feather signs, as follows:</p> <p>0—50 feet wide - maximum 5 signs  51—100 feet wide - maximum 7 signs  101—200 feet wide - maximum 9 signs  201 feet and greater - maximum 12 signs</p> <p>Feather signs shall be spaced a minimum of 10 feet from another feather sign and be located a minimum of 10 feet from any drive providing ingress and egress</p> <p>A scaled site plan drawing showing the proposed location of the feathers signs shall be submitted to the development services director who will ascertain the appropriate placement of the feather signs</p>
Maximum Number of Permits/Year	6 permits for feather signs are allowed per business per calendar year
Timeframe	<p>(a) Valid for 30 days. No feather signs may be displayed concurrently with a banner sign.</p> <p>(b) For businesses fronting in and along F.M. 423 or businesses located within 200 feet of the intersection with F.M. 423, valid for 60 days. No feather signs may be displayed concurrently with a banner sign.</p>
Permit/Application	Required
Fee	Yes
Removal	All feather signs must be removed on the day of the expiration of the permit

**OPTIONS**

1. Recommend as submitted.
2. Recommend with revisions or conditions.
3. Deny.
4. Postpone consideration.
5. Continue item.

**CITY OF THE COLONY, TEXAS  
SIGN REGULATIONS  
ORDINANCE NO. 2015-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF THE COLONY, TEXAS, BY AMENDING CHAPTER 6, ARTICLE XI, ENTITLED "SIGNS," BY AMENDING SECTION 6-258(J), ENTITLED "FEATHER SIGNS," BY AMENDING THE NUMBER OF FEATHER SIGNS ALLOWED IN AND ALONG F.M. 423 AND WITHIN 200 FEET OF F.M. 423; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH AND EVERY OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 216 of the Texas Local Government Code authorizes the City of The Colony, Texas, to regulate signs within the City of The Colony, Texas; and

**WHEREAS**, the Sign Board of Appeals of the City of The Colony, Texas, recommended approval of said changes to Chapter 6, Article XI, entitled "Signs" as reflected in this Ordinance; and

**WHEREAS**, the City Council of the City of The Colony, Texas, is of the opinion and finds that said changes to Chapter 6, Article XI, entitled "Signs" as reflected in this Ordinance should be granted, and that the Code of Ordinances should be amended.

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

**SECTION 1.** That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2.** That Chapter 6, Article XI, entitled "Signs" is hereby amended by amending Section 6-258(j), entitled "Feather Signs," which shall read as follows:

(j) Feather Signs

<p>Purpose</p>	<p>To allow applicants an alternative method of advertising special events and/or sales</p>	 
<p>Location</p>	<p>Feather signs may be placed in the front yard of any business within a landscaped and/or grassy area Feather signs shall be located on the same lot as the applicant's business and directly in front of the business In cases where a pad site, another parcel or structure interferes with the usual placement of feather signs directly in front of the</p>	

	<p>business, the chief building official will determine the appropriate placement and his decision regarding placement will be final</p> <p>Where a sidewalk exists, the placement of the feather signs shall be located on the opposite side of the sidewalk from the right-of-way and set back a minimum of 2 feet from the sidewalk</p> <p>Where no sidewalk exists, the placement of the feather signs shall be set back a minimum of 10 feet from the back-of-curb</p> <p>No feather signs shall be placed in the right-of-way or medians</p> <p>No feather sign shall encroach over or onto any public right-of-way or visibility triangle</p>	
<p>Maximum Height</p>	<p>15 feet</p>	
<p>Maximum Effective Sign Area</p>	<p>30 square feet of effective sign area</p>	
<p>Maximum Number of Signs per Business</p>	<p>(a) The maximum number of signs shall be calculated based on the width of the façade or face of the business that will be utilizing the feather signs, as follows:</p> <ul style="list-style-type: none"> <li>0—50 feet wide - maximum 3 signs</li> <li>51—100 feet wide - maximum 5 signs</li> <li>101—200 feet wide - maximum 7 signs</li> <li>201 feet and greater - maximum 10 signs</li> </ul> <p>(b) The maximum number of signs for businesses fronting in and along F.M. 423 or businesses located within 200 feet of the intersection with F.M. 423 shall be calculated based on the width of the façade or face of the business that will be utilizing the feather signs, as follows:</p> <ul style="list-style-type: none"> <li>0—50 feet wide - maximum 5 signs</li> <li>51—100 feet wide - maximum 7 signs</li> <li>101—200 feet wide - maximum 9 signs</li> <li>201 feet and greater - maximum 12 signs</li> </ul> <p>Feather signs shall be spaced a minimum of 10 feet from another feather sign and be located a minimum of 10 feet from any drive providing ingress and egress</p> <p>A scaled site plan drawing showing the proposed location of the feathers</p>	

	signs shall be submitted to the development services director who will ascertain the appropriate placement of the feather signs
Maximum Number of Permits/Year	6 permits for feather signs are allowed per business per calendar year
Timeframe	(a) Valid for 30 days. No feather signs may be displayed concurrently with a banner sign.  (b) For businesses fronting in and along F.M. 423 or businesses located within 200 feet of the intersection with F.M. 423, valid for 60 days. No feather signs may be displayed concurrently with a banner sign.
Permit/Application	Required
Fee	Yes
Removal	All feather signs must be removed on the day of the expiration of the permit

**SECTION 3.** If any section, article paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 4.** That all provisions of the ordinances of the City of The Colony, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby amended, repealed, and all other provisions of the ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 5.** That any person, firm or corporation violating a provision of this Ordinance, upon conviction, is guilty of a misdemeanor and shall be subject to a fine in the sum not to exceed Two Thousand Dollars (\$2,000.00) for each offense and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

**SECTION 6.** That this Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, THIS \_\_\_\_\_ day of \_\_\_\_\_, 2015.**

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Joe McCourry, Mayor

**ATTEST:**

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Christie Wilson, City Secretary

**APPROVED AS TO FORM:**

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Jeff Moore, City Attorney