

ORDINANCE NO. 927

AN ORDINANCE AMENDING CHAPTER 50 OF THE TOWN OF HOLLYWOOD PARK CODE OF ORDINANCES ADDING NEW DEFINITIONS AND REVISING PROVISIONS TO PERMIT AND REGULATE ELECTRONIC SIGNS FOR ON PREMISE COMMERCIAL ADVERTISING

**WHEREAS**, the Town of Hollywood Park is a Certified City in accordance with Title 43 Transportation, of the Texas Administrative Code; and

**WHEREAS**, the Town adopted Chapter 50 to ensure the orderly development of land and use of property within its corporate limits and to provide for uniform sign standards and regulations in order to ensure public safety, efficient communication, and promote a positive city image reflecting order, harmony, and pride, thereby strengthening the economic stability of the Town of Hollywood Park's business, cultural, historical, and residential areas; and

**WHEREAS**, the Town of Hollywood Park desires to maintain the value of the Town's scenic and natural resources, which are the keystones of the Town's economic strength and quality of life, through a comprehensive regulatory program that includes land use and development ordinances regulating to signs; and

**WHEREAS**, the City Council finds that it would be in the public interest to amend Chapter 50 of the Code of Ordinances to add definitions and revise provisions to permit and regulate electronic signs for on-premise commercial advertising;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HOLLYWOOD PARK, TEXAS that Chapter 50 is amended by adding a section 50-12 as follows:

**Sec. 50-12. On-Premise Digital Displays—Definitions.**

The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animation.* The use of movement or some element thereof to depict action or create a special effect or scene.

*Building sign.* A business sign permanently affixed to a building or structure.

*Commercial building.* A building which is used for any purpose other than as a residence.

*Directory sign.* Any sign, or combination of signs, which identifies, announces or advertises two (2) or more businesses or offices.

*Flashing.* A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated, inverse illuminated or operates with transitory bursts, for periods of less than one second. This term shall include blinking, strobe and twinkling. Animation as defined shall not fall under the definition of flashing.

*Flashing sign.* An illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purpose of this article any moving or revolving illuminated sign shall be considered a "flashing sign."

*Foot candle.* A unit of light measurement equal to one lumen per square foot. Foot candle may be abbreviated "fc".

*Freestanding sign.* See definition of "monument sign" or "pole or pylon sign"; does not include off-premise signs (billboards).

*Full-motion video.* The use of live action footage shot with a video camera or similar device that is sized to fit and be displayed by an electronic message sign or similar device.

*Illuminated sign.* Any sign illuminated in any manner by an artificial light source of any kind, either detached from the sign or a part thereof. Signs that are only incidentally and indirectly illuminated as a result of a lighting plan primarily designed as security lighting or landscape lighting are not illuminated signs.

*Lot.* An undivided tract or parcel of land having frontage on a public street; or an undivided tract or parcel which is designated as a distinct and separate tract; or an undivided tract or parcel which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.

*Message duration.* The length of time a particular message or display graphic image is displayed.

*Monument sign.* A free-standing, self-supporting sign, supported by columns and a base, which is placed on or at ground level, and not attached to any building wall, fence or other structure.

*Multi-tenant signage.* Signs located on a multi-tenant building or on the property thereof, including pole/monument signs, building signs, and temporary signs.

*Multi-tenant building.* A building or complex of buildings containing two or more businesses utilizing common facilities for vehicular access, parking, landscaping, etc., such as shopping centers and office buildings.

*Off-premise sign.* Any sign which advertises or calls attention to any business, product, service, or other activity which is not located on the same premises as the sign.

*On-premise digital display* (Includes "Electronic sign" or "Changeable Electronic Variable Message Sign (CEVMS)"). A sign face utilizing digital message technology that may display

changing content through images on a display composed of electronically illuminated segments and/or a series of grid lights, including cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic, video boards or other electronic media or technology.

*On-premise signs.* Any commercial advertising signs on business premises occupied by retail stores, business concerns, and gasoline stations provided that the display area of such sign shall be restricted to advertising only the particular business operating on the property on which the sign is installed.

*Pole or pylon sign.* A sign supported by at least one upright pole, pylon or post which is secured to the ground and not to the building.

*Temporary Sign.* A Banner, made only of vinyl, canvas, cardboard or wallboard, displayed for a limited period of time designed or intended to identify, advertise, announce or inform, which supplements the permanent signage on the premises.

*Transition time.* The interval of change between each individual message or display graphic image.

(a) Digital Displays.

On-premises digital displays shall be permitted on municipal property or right-of-ways and business premises occupied by retail stores, business concerns and gasoline stations, subject to the requirements of this section. Multi-tenant businesses or property owners shall either conform to the provisions described in this section or submit a signage plan to be reviewed by the Economic Development Corporation (EDC) and approval of the City Council. Such signage plan may be accepted by the City Council as is or may be accepted with amendments agreed upon by the business or property owner. Digital displays on municipal property or right-of-ways may vary from these provisions when determined by the City Council to be in the public interest.

(1) *Building signs.*

- a. Such signs may be illuminated.
- b. No sign shall be higher than the ridge (top) of the building.
- c. No more than one digital display sign per tenant may be affixed to the commercial building they occupy. Such sign shall not exceed 40 square feet in area and three feet in height and shall begin and terminate no less than two feet from each edge of the building.
- d. A multi-tenant commercial building with a main entry may have a building directory sign on one side of the entry. Such directory sign shall not exceed 24 square feet in area.

(2) Brightness and Intensity.

a. All digital displays shall be illuminated at a level no greater than 0.3 foot candles over ambient light levels for the location and time and shall employ light cutoff devices such as, but not limited to, louvers in order to minimize light escaping above the horizontal plane. Foot candle readings shall be measured at ground level 150 feet from the source.

b. Notwithstanding the requirements of paragraph (a) (1) above, the maximum light emanation shall not exceed 0.1 foot candles as measured from the nearest residential property line.

c. A digital display sign must be equipped with both a dimmer control and a photocell which automatically adjusts the display's intensity according to natural ambient light conditions.

d. The digital display shall contain a default mechanism to turn the sign off in case of malfunction or shall be manually turned off within 24 hours of a reported malfunction.

(3) Digital display standards:

a. Use of full-motion video is prohibited on displays greater than 40 square feet.

b. Use of flashing, strobe or scrolling line-travel text such as, but not limited to, "ticker-tape" is prohibited.

c. Use of sound is prohibited.

d. Message duration shall be greater than or equal to 8 seconds.

e. Transition time shall be no more than 2 seconds.

f. Display graphic images may contain graphical animation that does not exceed 25% of usable sign area. Notwithstanding this provision, numbers, letters, words, and text, may not be animated within any display graphic image.

(4) Digital display placement:

a. No more than one two-sided digital display per each freestanding sign structure shall be permitted. No other on-premise free standing sign shall be permitted for an individual lot. However, a lot may have digital displays and a non-digital display sign that are combined in one structure at one location provided that the total square footage of all signage on a lot complies with all signage ordinance provisions within this chapter.

b. No more than one two-sided digital display may be permitted for each

street frontage for an individual lot or single tenant structure.

c. The minimum setback of digital displays shall be 15 feet from any property line.

d. Any electronic sign mounted on a pole or monument must be located within 25 feet of the San Pedro/Hwy 281 or Loop 1604 access road curb.

(5) Sign dimensions.

a. Digital displays shall not exceed 16 feet in height and 144 square feet in area.

(b) Prohibited signs and locations.

(1) No sign may be placed so as to interfere with the sight line of traffic from one location on a public street to another location on the same street, or from a location on a public street or private drive which intersects with a public street to a location on the intersecting public street which is within 150 feet of the intersection. The Compliance Department (HP Police Department) should be contacted in advance in order to assist in determining the safe application of this provision.

(2) No sign shall interfere with any fire hydrant, traffic light, traffic or street sign, or street light, nor shall any sign be erected in any location where, by reason of traffic conditions, fire or explosion hazards, it would imperil safety or interfere with the functions of the fire department.

(3) No sign shall be so located such that it will obstruct visibility of an adjoining business' sign to traffic on the street on which the adjoining business fronts.

(4) The lowest part of a sign projecting over a sidewalk or path used by the public shall not be less than 9 feet above the grade of the sidewalk or path.

(5) No sign shall encroach or project over public property or right-of-way, except as expressly permitted by this chapter.

(6) No sign shall project from any door or window-casing.

(7) No sign shall be placed so as to obstruct or interfere with a window, doorway, or other means of egress, nor be supported or hung from any fire escape.

(8) No animated, moving, flashing, or rotating signs are permitted. However, digital displays including but not limited to, electronic message centers, may include graphical animation not to exceed 25% of usable sign area. Numbers, letters, words, and text remain excluded from the allowable animation in any way.

(9) No revolving beam or beacon of light resembling any emergency vehicle light

shall be permitted.

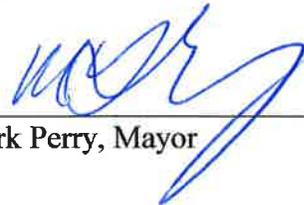
(10) No portable or mobile signs are permitted. This prohibition shall include any structure or apparatus originally manufactured as a portable or mobile apparatus which has been modified to be semi-permanently or permanently displayed.

(11) No digital display sign shall resemble or simulate the lights or official signage used to control traffic in accordance with the 2003 Manual on Uniform Traffic Control Devices, with Revision No. I, published by the Federal Highway Administration (FHWA).

(c) Permits and fees. The provisions of section 50-3 pertaining to the requirement for permits shall apply to digital displays to the extent such provisions are compatible with this section. An initial sign permit and inspection fee for digital displays and an annual inspection fee shall apply.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be 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 or sections of this ordinance, and the remainder of this ordinance shall be enforced as written.

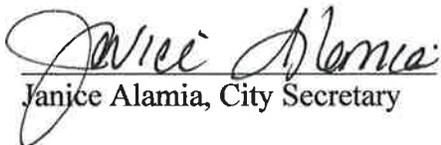
PASSED and APPROVED this 19<sup>th</sup> day of March, 2013.



Mark Perry, Mayor

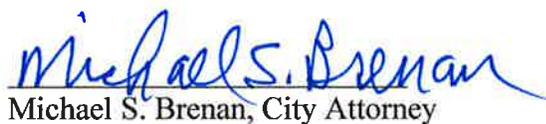


ATTEST:



Janice Alamia, City Secretary

APPROVED AS TO FORM:



Michael S. Brennan, City Attorney