

ORDINANCE NO. 18-489

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS BY AMENDING SECTION 7.11, SIGNS, OF ARTICLE VII, SUPPLEMENTARY DISTRICT REGULATIONS, OF APPENDIX A, ZONING TO LIMIT “FOR SALE” OR “FOR RENT” SIGNS TO BE LOCATED NO HIGHER THAN FIVE FEET (5’) ABOVE THE NATURAL GROUND LEVEL, AND TO LIMIT NONCOMMERCIAL SIGNS LESS THAN ONE SQUARE FOOT (1’) IN SIGN AREA TO BE LOCATED NO HIGHER THAN EIGHT FEET (8’) ABOVE THE NATURAL GROUND LEVEL AND NONCOMMERCIAL SIGNS GREATER THAN ONE SQUARE FOOT (1’) IN SIGN AREA TO BE LOCATED NO HIGHER THAN FIVE FEET (5’) ABOVE NATURAL GROUND LEVEL; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF THIS ORDINANCE, WITH EACH DAY OF VIOLATION CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING FOR SEVERABILITY.

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WHEREAS, the City Council of the City of Bunker Hill Village, Texas has determined that it is in the best interest of the health, safety and welfare of its citizens to adopt limitations on the height of “for sale” and “for rent” and noncommercial signs; and

WHEREAS, the City Council desires to amend the sign regulations of the City of Bunker Hill Village, Texas as indicated in this ordinance; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS:

**Section 1.** The facts and matters contained in the preamble of this ordinance are hereby found to be true and correct.

**Section 2.** The Code of Ordinances of the City of Bunker Hill Village, Texas is hereby amended by adding the language underscored below to and deleting the language struck through below from Section 7.11, Signs, of Article VII, Supplementary District Regulations, of Appendix A, Zoning, Section 7.11 to read as follows:

**“7.11. - Signs.**

It shall be unlawful for any person to erect, construct, install, or maintain any sign within the city except one specifically permitted by this section. No sign, except one authorized or required by governmental authority, shall be placed or allowed to project in, along, or over a public street, sidewalk,

easement, or other public property. Only the following type signs, of the size and dimensions specified, shall be permitted in the city:

- A. *Governmental signs.* Traffic and other signs required or authorized by a governmental unit having jurisdiction in the city.
- B. *"For sale" or "for rent" signs.* One (1) unilluminated "For Sale" or "For Rent" sign per lot or parcel of land relating solely to the property upon which it is located. Such a sign shall not exceed three (3) square feet in total area and shall not be positioned such that any portion of the sign is higher than five feet (5') above the natural ground level in the immediate vicinity. Any such sign must be removed immediately upon the sale or renting of the premises.
- C. *Contractor and architect signs.* One unilluminated sign identifying contractors and architects performing work on the lot or parcel of land on which the sign is located. Such a sign shall not exceed three (3) square feet in total area, shall be at least ten (10) feet from the nearest street right-of-way line, and shall not extend more than five (5) feet above the natural ground level in the immediate vicinity. Such a sign shall be removed upon substantial completion of the building or project for beneficial use, as determined by the city's zoning official; provided, however, in no event shall such a sign be maintained on such lot or tract of land for more than two (2) years.
- D. *Institutional signs.* Institutions located within the city shall be allowed to erect one (1) permanent freestanding ground sign within each yard of the lot or parcel of land on which such institution is situated which fronts or is adjacent to a street. No such sign shall exceed fifty (50) square feet in total area, including the supporting structure, and the sign face, or "message area," shall not exceed twenty (20) square feet. No such sign shall exceed five (5) feet in height above the immediately adjacent natural grade, or be placed within one (1) foot of a roadway right-of-way. Such signs shall not impede traffic visibility or constitute a traffic hazard. In addition to the foregoing, such signs shall comply with, and be subject to, the following:
  - 1. All institutional signs shall be subject to approval by the city council, upon recommendation of the Planning and Zoning Commission. The institution requesting approval shall submit to the commission a drawing of the proposed sign, together with a description and other information sufficient to determine whether the sign is in compliance with this section. The commission shall, as soon as practicable following submission of the request for approval of a proposed sign, advise the applicant whether it recommends approval or disapproval and, if disapproval is recommended, the reasons therefor. The applicant may revise the proposal and resubmit it for review by the commission. After review, the commission shall deliver its written recommendation to city council.

2. Institutional signs may be illuminated if by means which do not include neon, strobe, blinking, moving, or other similar attention-arresting lighting devices. Any such sign shall be constructed of materials substantially similar to the existing design, construction and appearance of the institution to which such sign pertains. The structural portion of the sign, same being that portion other than the sign face or "message area," shall be constructed of stone, brick or wood. The message portion of any such sign, including lettering or logos, shall be of subdued natural earth colors, such as white, black, gray, brown or dark green.
- E. *Subdivision signs.* A maximum of two (2) signs at each principal entrance to a subdivision. Such a sign or, if there be two (2), the two (2) signs in combination shall not exceed sixteen (16) square feet in total area. Such a sign shall contain only the name of the subdivision in which it is located; no other words, letters, or messages shall be permitted thereon. Such a sign shall not extend more than five (5) feet above the natural ground level in the immediate vicinity; shall not impede traffic visibility or constitute a traffic hazard; and shall be of subdued color and design. Such sign may be illuminated if by means which do not include neon, strobe, blinking, moving, or other similar attention-arresting lighting devices. The structural portion of the sign, same being that portion other than the sign face or "message area," shall be constructed of stone, brick or wood. The message portion of any sign, including lettering or logos, shall be of subdued natural earth colors, such as white, black, gray, brown or dark green.
- F. *Noncommercial signs.* Unilluminated signs containing noncommercial messages only, located on a lot or parcel of land, provided the sign face of any such sign does not exceed three (3) square feet in area. For the purposes hereof, "noncommercial message" shall mean a civic, political, religious, seasonal, or personal message that is not displayed for a fee or for compensation, and is located on property owned or lawfully occupied by the person displaying the message. If such sign is one (1) square foot in sign area or less, such sign shall not be located any higher than eight feet (8') above the natural ground level in the immediate vicinity. If such sign is larger than one (1) square foot in sign area, such sign shall not be located any higher than five feet (5') above the natural ground level in the immediate vicinity. Signs containing noncommercial messages relating to political campaigns shall be removed within seven (7) days following the election to which such signs pertain.
- G. *Maintenance and repair of signs.* All signs and sign structures shall be kept in good repair and neat appearance. Signs shall be maintained at reasonable intervals, including replacement of damaged or defective parts, painting, repainting, and cleaning. The owner of a sign and the owner of the property upon which it is located shall be jointly and severally responsible for its maintenance and repair."

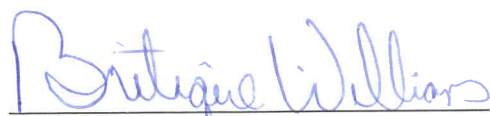
**Section 3.** Any person, corporation, or entity who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day in which any violation occurs, or each occurrence of any violation, shall constitute a separate offense.

**Section 4.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it is the intention of the City Council that the invalidity or unconstitutionality of the one or more parts shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision other than the part declared to be invalid or unconstitutional; and the City Council of the City of Bunker Hill Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED on this 20th day of February, 2018.

  
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Jay Williams, Mayor

ATTEST:

  
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Britique Williams, City Secretary