

ORDINANCE NO. 7196

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 5 "SIGNS" AND CHAPTER 1, ARTICLE 2 "UNIVERSAL PROCEDURES", OF THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY UNDER THE PROVISIONS OF SECTION 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

Section 1

That Section 4.63, "Definitions", of Article 5, "Signs", of the Garland Development Code of the City of Garland, Texas, is hereby amended by amending subsection (D) to read as follows:

"Section 4.63 Definitions

- (D) "Digital billboard" means a sign, display, or device with a sign face of a minimum of 350 square feet, which is capable of producing an animated or moving digital image, copy, or video by electronic means, and is operated by an entity possessing an outdoor advertising license issued by the Texas Department of Transportation and all other governmental agencies having jurisdiction."

Section 2

That Section 4.63, "Definitions", of Article 5, "Signs", of the Garland Development Code of the City of Garland, Texas, is hereby amended by deleting subsections (L), "Off-premise sign" and (M) "On-premise sign" in their entirety.

Section 3

That Section 4.69, "Prohibited Signs", of Article 5, "Signs", of the Garland Development Code of the City of Garland, Texas, is hereby amended in part to read as follows:

"Section 4.69 Prohibited Signs

. . .

(B) Signs in Residential Areas. Signs, except as expressly provided for herein, are prohibited in residential zones and on property used for non-transient residential uses. A model home may have one sign on a premises subject to the provisions and limitations of below Section 4.71.

. . .

(K) *[Deleted in its entirety]*

Section 4

That Section 4.73, "Digital Display Signs", of Article 5, "Signs", of the Garland Development Code of the City of Garland, Texas, is hereby amended in part to read as follows:

"Section 4.73 Conversion of Billboards to Digital Billboards

(A) Certain conventional billboards may be modified to use digital display technology subject to the restrictions and provisions of this Section 4.73.

(B) Application.

(1) The conversion of a conventional faced billboard to a digital billboard is prohibited except under the following conditions:

(a) For signs located adjacent to, and oriented toward, the main travel lanes or service roads of, IH-635, IH-30, and State Highway 190, the sign must have a conventional sign face with a minimum square footage of 350 feet.

(b) For signs not located in an area described in above subsection (a), the sign must be a legally conforming

monument sign that meets the restrictions, requirements, and provisions of Section 4.78(K).

- (2) The owner of a conventional billboard sign with a sign face of a minimum of 350 feet, may convert the sign to a digital billboard, subject to the restrictions and provisions of this Section 4.73, after submitting a digital billboard permit application for a face modification. The Building Official shall review the application and make a determination as to whether the subject sign qualifies for a digital billboard conversion permit. In the event the Building Official approves the permit, the owner must apply for a demolition permit to remove the existing conventional sign face area in accordance with subsection (D). The owner must complete demolition of the sign face according to the applicable ratio in below subsection (D) before the sign face is modified.

(C) Compliance Required.

- (1) Except as provided in this Section 4.73, digital billboards must fully comply with the size, height, spacing, setback, and all other applicable provisions in this article.
- (2) Digital billboard support structures must be built to comply with this GDC.
- (3) Digital billboards must comply with Title 43 Texas Administrative Code Section 21.163, "Electronic Signs," as amended.
- (4) Both existing and new digital billboards must comply with all lighting and safety standards mandated by federal, state, or local rules or statutes, including standards adopted or amended after the date of passage of these requirements. Lighting and safety standards include brightness, message duration, and proximity of the sign to other digital displays, ramps, and interchanges.

(D) Sign Face Exchange Ratio for Digital Billboards.

- (1) Except as provided in below paragraph (2), for conventional billboards with a sign face of a minimum of 350 square feet, for every one square foot of sign face modified to use digital display technology, three square feet of detached conventional sign face area on signs with a sign face of a minimum of 350 square feet must be removed from within the City (not including the face of the sign being modified), subject to the following provisions:
 - (a) To receive credit for the removal of an area of detached conventional sign face, the entire sign face and structure supporting the removed sign face must be removed;
 - (b) At least one structure removed must be within a five mile radius of the conventional face being converted to digital, unless the structure being removed is an interior conventional sign located adjacent to or facing an interior street or right-of-way (that is, not adjacent to or oriented toward I-635, I-30, or State Highway 190);
 - (c) If the structure being removed is an interior conventional sign, then the exchange ratio shall be for every one foot of sign face being modified to use digital display technology, two square feet of detached conventional sign face area must be removed from an interior sign.
 - (d) No credit is given for the area of the conventional face being removed for conversion to a digital display; and
 - (e) The removal of the entire nonconventional sign face area, including the entire support structure, must be completed before

commencing construction work modifying the conventional sign to use digital display.

- (2) The new digital billboard sign face may be no larger than the preexisting conventional billboard sign face, but in no case larger than 700 square feet.

(E) Location and Number.

- (1) The conversion of a conventional billboard to a digital billboard is limited to detached signs with a minimum sign face of 350 square feet, located adjacent to, and oriented toward the main travel lanes of, IH635, IH30 and State Highway 190.
- (2) For support structures with only one digital billboard, it must be located a minimum of 1,500 feet from any other digital billboard oriented to the same traffic direction along the main travel lanes of IH635, IH30, and State Highway 190, measured linearly.
- (3) A digital billboard may not be located within 300 feet of any lot located in a residential district, measured radially.

(F) Support Structures.

- (1) Digital billboard support structures may not exceed an overall height of 50 feet or 42.5 feet above the nearest point on the travel surface of the highway, whichever is higher, except that no digital billboard may be higher than the conventional sign it replaced.
- (2) Sign support structures and faces being converted to accommodate digital displays may not be modified to change the angle of a sign face.

- (3) Electrical service to sign support structures with digital displays must be underground between the property line and the sign.

(G) Display.

- (1) All digital billboard displays must conform with the illumination restrictions of above Section 4.69(E). A digital billboard must be equipped with both a dimmer control and a photocell that automatically adjusts the display's intensity according to natural ambient light conditions.
- (2) A digital billboard may not increase the light level on a lot in a residential district over ambient conditions without the digital display, measured in footcandles at the point closest to the sign that is five feet inside the residential lot and five feet above the ground.
- (3) Before the issuance of a digital billboard permit, the applicant must provide an ambient light survey from adjacent residential properties and a written certification from the sign manufacturer that:
 - (a) the light intensity has been factory programmed to comply with the maximum brightness and dimming standards of this subsection; and
 - (b) the light intensity is protected from end-user manipulation by password-protected software or other method satisfactory to the Building Official.

(H) Change of Message. Changes of message must comply with the following provisions:

- (1) Each message must be displayed for a minimum of eight seconds;

- (2) Changes of message must be accomplished within two seconds;
 - (3) Changes of message must occur simultaneously on the entire sign face; and
 - (4) No flashing, dimming, or brightening of message is permitted except to accommodate changes of message.
- (I) Malfunction. Digital billboard operators must respond to a malfunction within one hour after notification and must remedy the malfunction within 12 hours after notification. In case of sign malfunction, the digital display must freeze until the malfunction is remedied."

Section 5

That Section 4.78, "Signs - Permit Required", of Article 5, "Signs", of the Garland Development Code of the City of Garland, Texas, is hereby amended in part to read as follows:

"Section 4.78 Signs - Permit Required

. . . .

- (O) Programmable Signs (Electronic). A programmable sign is a sign that displays changing content through animated, scrolling, or moving messages. For the purposes of this subsection, "changing content" means content (of whatever nature) changing more than once every 4 hours. The term includes, but is not limited to, signs that project animated moving images, messages, or moving images by means of electronic or 'digital' illumination such as cathode ray tubes, light emitting diodes (LED), plasma screens, liquid crystal displays, fiber optics, lasers, projectors and similar technology. Electronic programmable signs must comply with the following provisions:
- (1) Maximum height: The maximum height for an electronic programmable sign is the same standard as the type of sign on which it is

attached (such as a monument sign, pole, or pylon sign).

- (2) Maximum size/area: The maximum surface area of an electronic sign is the same standard as the type of sign on which it is attached (such as a monument sign, pole, or pylon sign)
- (3) Location: Electronic programmable signs are allowed as freestanding monument signs in all nonresidential and mixed-use districts on property that is not adjacent to IH-635, IH-30, or State Highway 190. An electronic programmable sign is also permitted as a freestanding monument sign in a residential district on a site that contains and operates as a lawful nonresidential use, and that has at least one frontage on a Type D (four-lane, divided) or larger thoroughfare, as shown on the City's adopted *Major Thoroughfare Plan*, in which case the electronic programmable sign may only be placed on a Type D or larger street frontage. Additionally, where located within a residential district or within 25 feet of a residential district, electronic programmable signs are prohibited from displaying illuminated messages between 10:00 p.m. to 6:00 a.m. to further minimize potential negative impacts on surrounding residential properties.
- (4) Attached signs or Attached Wall Signs. Attached programmable signs are prohibited in all districts.
- (5) Placement/setbacks: The placement and setback standard for an electronic programmable sign is the same as the type of sign on which it is attached (such as a monument sign or pylon sign).
- (6) Maximum number: One electronic programmable sign is allowed per site. Except on a site in a nonresidential zoning district with frontage on 2 or more streets, or more than 300 feet of frontage on a single street, a maximum of 2

electronic programmable signs are allowed, both of which must be monument signs.

(7) Electronic programmable signs are prohibited from:

(a) Displaying animated, full-motion or other moving images, or display a flashing or blinking image, an image that incorporates intermittent or bursts of illumination, or an image that scrolls, fades, rolls, shades, dissolves, or otherwise gives the appearance of movement that is not solely a transition between displays as provided by Subsection 4.78(P)(7)(c) below;

(b) Projecting an image onto a structure, building, the ground, or another object;

(c) Displaying an image for a period of less than eight seconds, or exceeding a period of two seconds during a transition between a complete change of message (other than black screen);

(d) Transitioning from one display to the next in a manner that requires the viewer to read subsequent displays in order to determine the message being conveyed; or

(e) Including any audio message.

(8) A programmable sign must be equipped with a properly functioning automatic dimmer to adjust the luminance of the sign relative to ambient light so that at no time the sign will exceed the luminance limitations of Subsections 4.70(I) and 4.70(J). A programmable sign must be equipped with a properly functioning default mechanism that will cause the sign to revert immediately to a single, fixed, non-transitory image or to a black screen if the sign malfunctions. The owner of a programmable sign must provide the Building Official with current, valid contact information for a person who is authorized and able to turn off the programmable

sign within four hours of notification in the event of a malfunction.

- (9) The sign face(s) of a freestanding monument sign may be converted to a programmable sign only in a manner that fully conforms to the provisions of this GDC. A lawfully existing, nonconforming sign must be made conforming in all respects including, without limitation, setbacks, sign area, height, and number in order to convert the sign face(s) of the sign to a programmable sign.

. . . ."

Section 6

That Section 1.24, "Published & Written Notice", of Article 2, "Signs", of the Garland Development Code of the City of Garland, Texas, is hereby amended in part to read as follows:

"Section 1.24 Published & Written Notice

. . . .

(B) Written Notice.

- (1) Whenever written notice of a public hearing is required by controlling law or this GDC before a board, commission or the City Council, the responsible official shall cause notice to be personally delivered or sent by regular United States mail before the tenth calendar day (fifteenth calendar day for City Council hearings) before the hearing date to the following:

- (a) For Plan Commission and City Council hearings, to (i) each owner of real property and (ii) each physical mailing address located within four hundred feet of the exterior boundary of the subject property. Notice shall be sent to property owners who have rendered the property for City taxes as the ownership appears on the most recently approved City tax roll, if such written notice is required by State law;

(b) If the application is related to a property that has, or is requesting, an SUP for a High Risk Use, then notice shall be mailed or delivered to (i) each owner of real property and (ii) each physical mailing address located within one thousand feet of the exterior boundary of the subject property;

(c) The applicant and to the physical address of any property located within the notification area;

(d) If the matter to be considered is before the Board of Adjustment, to each owner of real property located within two hundred feet of the exterior boundary of the property in question who has rendered the property for City taxes as the ownership appears on the most recently approved City tax roll; and

(e) If the matter to be considered is an appeal, to the appellant.

(2) The notice shall set forth the name of the applicant, the time, place and purpose of the hearing, identification of the subject property, and if the matter to be considered is an appeal, the name of the appellant. Notice may be served by depositing the notice, properly addressed and first class postage prepaid, in the United States mail.

. . ."

Section 7

That Garland Development Code for the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 8

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

Section 9

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 10

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this 2nd day of February, 2021.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

PUBLISHED: