

ORDINANCE NO. _____

An ordinance amending Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Section 51A-7.307; amending the provisions for relocation of detached non-premise signs; applying these amendments to signs removed after June 6, 2006; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Paragraph 13.1, “Expressway Sign,” of Section 51A-7.102, “Definitions,” of Division 51A-7.100, “Purposes and Definitions,” of Article VII, “Sign Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(13.1) EXPRESSWAY SIGN means a sign that is wholly within 100 feet of an expressway right-of-way and whose message is visible from the main traveled way or that has been relocated pursuant to Section 51A-7.307(f).”

SECTION 2. That Section 51A-7.307, “Relocation of Certain Detached Non-Premise Signs,” of Division 51A-7.300, “Provisions for Business Zoning Districts,” of Article VII, “Sign Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“SEC. 51A-7.307. RELOCATION OF CERTAIN DETACHED NON-PREMISE SIGNS.

(a) In general. ~~[Legal and]~~ ~~N[on]~~non-conforming detached non-premise signs located on or overhanging a parcel of land acquired by a governmental entity may be relocated subject to the restrictions in this section.

(b) Application. The owner of the sign and the governmental entity must sign a relocation ~~an~~ application ~~[requesting the relocation].~~ The owner of the sign must submit the relocation application within one year after the sign is actually removed from the parcel of land pursuant to a request of the governmental entity. The relocation must be completed within one year after approval of the relocation application ~~[of the date that the governmental entity becomes the owner of the property].~~

(c) Compliance required. Except as provided in this section, ~~[All]~~ relocated signs must fully comply with the size, height, spacing, setback, and other restrictions in this article.

(d) Relocation to remainder.

(1) All relocated signs must be relocated on the remainder of the tract from which the parcel of land was acquired unless relocating to the remainder is not possible for reasons such as:

(A[1]) there is no remainder;

(B) the sign owner is unable to obtain an agreement from the property owner of the remainder; or

(C[2]) the remainder is not of sufficient size or suitable configuration to allow the relocated sign;

(i) to be as visible as the original sign from the nearest main traveled thoroughfare; or

(ii) to fully comply with the size, height, spacing, setback, and other restrictions in this article.

(2) All signs located on a railroad right-of-way must be relocated within that same railroad right-of-way. Relocated signs must be relocated within 500 feet of their original location unless possible locations are not of a suitable size or configuration or are otherwise unusable. If a sign cannot be relocated within 500 feet of its original location, it can be relocated anywhere in that same railroad right-of-way, but must fully comply with the size, height, spacing, setback, and other restrictions in this article. Relocated signs may not be less conforming than the original sign.

(e[~~b~~]) Restrictions on relocations.

(1) No [~~detached non-premise~~] sign may be relocated within 1,000 feet of a new expressway.

(2) No [~~detached non-premise~~] sign may be relocated within 100 feet of an expressway unless it was originally located within 100 feet of an expressway or new expressway.

(3) No sign message on a relocated [~~detached non-premise~~] sign may be oriented to be visible from a new expressway.

(4) No sign message on a relocated [~~detached non-premise~~] sign may be oriented to be visible from an expressway unless it was originally oriented to be visible from an expressway or new expressway.

(5[e]) A non-HBA sign must [~~may~~] be relocated at least [~~as close as~~] 500 feet from [~~to~~] another non-premise sign.

(6) An HBA sign must [~~may~~] be relocated at least [~~as close as~~] 500 feet from [~~to~~] another non-premise sign on the same side of the expressway.

(7) No more than one relocation is permitted between the sites or former sites of non-premise signs that existed on April 26, 2000 unless the distance between the sites or former sites in feet equals or exceeds the number of relocated signs [~~X-(~~multiplied by~~)~~] 1,500.

(8[d]) No relocated [~~detached non-premise~~] sign may have a greater effective area than it had at its original location, except that the effective area of multiple relocated signs may be combined, provided that: [~~or contain new materials that are more than five feet above grade.~~]

(A) the overall number of structures within the city is reduced;

(B) the effective area of the combined sign is equal to or less than the sum of the effective area of the individual signs; and

(C) except as provided in Paragraph (g)(3), the effective area does not exceed 400 square feet for a combined non-expressway sign or 672 square feet for a combined expressway sign.

For purposes of this paragraph, the effective area of a relocated sign does not include the sign skirting if no part of the sign message appears on the skirting other than the name of the sign company.

(9) Two one-faced signs may be relocated to create one two-faced sign, provided that:

(A) the two faces are oriented within 60 degrees of one another; and

(B) except as provided in Paragraph (g)(3), the effective area does not exceed 400 square feet for a combined non-expressway sign or 672 square feet for a combined expressway sign.

This paragraph controls over Paragraphs (5) and (6).

(10) All relocated signs must be built to comply with the building code.

(11[e]) No [~~detached non-premise~~] sign may be relocated until demolition and other required permits have been applied for and approved by the city.

(12[f]) No [~~detached non-premise~~] sign may be relocated within 2,000 feet of the Trinity River, measured from the center line of the Trinity River. For purposes of this paragraph [~~subsection~~], the term “Trinity River” means the portion of the river south of the confluence of the Elm and West forks as depicted on the most recent version of the flood insurance rate maps published by the Federal Emergency Management Agency.

(13[g]) No [~~detached non-premise~~] sign may be relocated within 500 feet of a historic district, public park, city-owned lake, or the escarpment zone or geologically similar areas.

(14) A [~~No detached~~] non-HBA sign may not be relocated within 500 feet of a non-business or residential zoning district.

(15) An [~~No detached~~] HBA sign may not be relocated within 300 feet of a non-business or residential zoning district except that, for the purpose of this paragraph LO, MO, and GO districts will be considered business zoning districts. [~~The city council may grant a specific use permit to authorize a detached non-premise sign to have lesser spacing than that required in this paragraph. For more information regarding specific use permits, see Section 51A-4.219.~~]

(16[h]) No [~~detached non-premise~~] sign may be relocated within 200 feet of any intersection involving:

(A[1]) two or more arterials;

(B[2]) an expressway frontage road and an arterial; or

(C[3]) expressway travel lanes or ramps.

~~[(i) The effective area of a relocated detached non-premise sign does not include the sign skirting if no part of the sign message appears on the skirting other than the name of the sign company.]~~

~~(17[j]) No new [electrical or mechanical] properties, such as electrical, mechanical, or LED, may be added to a relocated [detached non-premise] sign. (For example, a non-illuminated sign may not be converted to an illuminated sign, and a plain billboard may not be converted to a digital or tri-vision sign [type].)~~

~~[(k) No detached non-premise sign in a CR, RR, MU 1, MU 1(SAH), MU 2, MU 2(SAH), MC 1, or MC 2 zoning district, or in an SC or GR subdistrict of a PD district, may exceed 72 square feet in effective area or 20 feet in height.]~~

~~(f[1]) Relocated e[E]xpressway signs.~~

~~(1) A relocated [detached non-premise] expressway sign that is in a business zoning district may exceed the effective area in Subsection (g) [(k)].~~

~~(2) A relocated [detached non-premise] expressway sign must have a setback of at least 40 feet from the nearest expressway travel lane but [and] may not be relocated more than 200 feet from the expressway right-of-way. A relocated expressway sign may not have an effective area that exceeds 672 square feet.~~

~~(3) The effective area of a relocated [detached non-premise] expressway sign does not include extensions of the sign face if:~~

~~(A) the extensions do not collectively exceed 20 percent of the original area of the sign face; and~~

~~(B) no individual extension exceeds 80 percent of the original length or 50 percent of the original height of the sign face.~~

~~(4) The height of a relocated expressway sign may not exceed an overall height of 50 feet, or 42.5 feet above the nearest point on the nearest travel surface of the nearest expressway or new expressway, whichever is higher, if the total height of the sign does not exceed 80 feet above the ground at the base of the sign. [The height of detached non-premise expressway signs is governed by Section 51A-7.304.]~~

~~(5) For the purpose of this subsection LO, MO, and GO districts will be considered business zoning districts.~~

~~(g[m]) Limitations on size [Other areas of the city]. Except as provided [In areas of the city not described] in Subsection[s] (f) [(k) or (l)]:~~

(1) no relocated [~~detached non-premise~~] sign with an effective area of 72 square feet or less may exceed 20 feet in height; and

(2) no relocated [~~detached non-premise~~] sign with an effective area greater than 72 square feet may exceed 400 square feet in effective area or 30 feet in height.

(3) No relocated sign in a CR, RR, MU-1, MU-1(SAH), MU-2, MU-2(SAH), MC-1, or MC-2 zoning district, or in an SC or GR subdistrict of a PD district, may exceed 72 square feet in effective area or 20 feet in height. This provision controls over Paragraphs (1) and (2).

(h[~~n~~]) Measurements. Measurements of distance under this section pertaining to minimum separation between signs are linear [~~are taken radially~~] unless otherwise specified in the provision. A “linear” measurement is taken from a sign or proposed sign location to the nearest point on another sign. Measurements of distance under this section pertaining to minimum distance from zoning districts or locations are taken radially unless otherwise specified in this provision. “Radial” measurement is a measurement taken along the shortest distance between a sign or proposed sign location and the nearest point of a private property line in a restricted [~~on another sign or on a~~] zoning district or location [~~boundary~~].

(i) Lesser spacing by specific use permit. The city council may grant a specific use permit to authorize a detached non-premise sign to have lesser spacing than that required in Paragraphs (e) (13), (14) or (15). For more information regarding specific use permits, see Section 51A-4.219.”

SECTION 3. Relocation of signs that were properly removed after June 6, 2006 and before passage of this ordinance will be governed by this ordinance.

SECTION 4. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 5. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed _____