

**ORDINANCE NO. 10-017**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, TEXAS, AMENDING CITY OF GREENVILLE CODE OF ORDINANCES, CHAPTER 28 ZONING REGULATIONS, ARTICLE V, SITE DEVELOPMENT STANDARDS, SECTION 5-4 SIGN REGULATIONS; PROVIDING FOR A REPEALING CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER FEBRUARY 9, 2010.**

**WHEREAS**, City Staff recently conducted a review of billboard regulations throughout North Texas, as well as highway digital billboard safety advisories from the Federal Highway Administration (FHWA) and the National Cooperative Highway Research Program (NCHRP); and;

**WHEREAS**, City Staff proposed to allow digital billboards, subject to display standards that meet or exceed standards recommended by the FHWA and the NCHRP; and

**WHEREAS**, a summary of the display standards include:

- New billboards and conversion of existing billboards are only allowed on lots with frontage along Interstate 30.
- Messages must be displayed for at least eight seconds.
- Consecutive messages must change in one second or less.
- No animation, full motion video, flashing lights, scrolling messages, moving light, etc. is permitted.
- Transitions between messages must be immediate and occur simultaneously across the entire message.
- The display may only be visible from one direction of traffic (may not be installed parallel to the highway).
- Sign may not project into an easement and must be setback 30 feet from any public right-of-way.
- A minimum of 4,500 feet must be provided between billboards.
- Static message default when malfunction occurs.
- Automatic brightness adjustment according to ambient light conditions.
- Requires coordination with Emergency Management Coordinator regarding AMBER Alerts, Homeland Security, etc.
- Requires name of contact person for reporting malfunctions and glaring light. Contact person must be able to respond within 12 hours.
- Displays cannot resemble warning signs or traffic signs.
- Maximum of 672 square feet of display area.
- Maximum 40 feet in height, as measured from the average ground level to the highest point of the sign.
- Must be served with underground electrical; and

WHEREAS, on January 11, 2010, the Planning and Zoning voted to recommend that the City Council approve the following changes:

Section 4-1 Permitted Use Schedule:

USE TYPE	A	SF-E	SF-1	SF-2	SF-3	SF-4	PH	SFA	2F	MHP	MF-1	O	NS	GR	HR	C	CA	I-1	I-2	
<b>SIGN AND IDENTIFICATION USES</b>																				
Development Sign											P	P	P	P	P	P	P	P	P	P
<b><u>Digital Billboard Sign</u></b>																<b><u>P</u></b>	<b><u>P</u></b>		<b><u>P</u></b>	<b><u>P</u></b>
Electronic Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Section 5-4.3 Definitions:

- 19: SIGN, DEVELOPMENT: Any on-site, temporary promotion sign pertaining to the development of land.
- 20: SIGN, DIGITAL BILLBOARD: An off-premise sign, display or device, which changes the static message or copy by electronic means. The sign must be operated by an entity possessing an outdoor advertising license issued by the Texas Department of Transportation (TXDOT).**
- ~~2021~~: SIGN, ELECTRONIC (VARIABLE MESSAGE): Any on-site, permanent sign that uses an electronic medium to produce sign characters and/or illustrations and which is programmed to changed copy at variable intervals of time.

Section 5-4.6 Sign Standards:

- (4) Billboard Signs (off-site). Billboard signs shall be permitted only on lots with frontage on Interstate Highway 30 and shall only be oriented to be viewed from Interstate Highway 30. Billboard signs shall not exceed six hundred seventy-two (672) square feet in area, and shall not exceed 40 feet in height. Such signs shall be spaced a minimum of forty five hundred (4,500) feet apart, and shall be setback a minimum of thirty (30) feet from any highway right-of-way line. ~~Billboards may not include LED, LCD, digital or similar changeable electronic variable message capability of any kind.~~

**(5) Regulation of Digital Billboards**

**A. All digital billboards shall observe the following display standards:**

- 1. Static display time interval: Eight (8) seconds minimum**
- 2. Transition display time interval: One (1) second maximum**
- 3. No display shall include animation, blinking, flashing, dissolving or fading content and/or images, moving light and/or scrolling**

- messages, intermittent or full-motion video, nor shall it project a static image upon a stationary object.
4. Transitions between the display of a message, content and/or image shall be immediate only and shall occur simultaneously on the entire display area.
  5. The display of message, content and/or image shall be visible only from one direction of traffic travel per sign.
  6. No digital billboard shall be located within a dedicated utility easement or be closer than thirty (30) feet of a right-of-way line.
  7. A minimum linear spacing of four thousand five-hundred (4,500) feet shall be required between one digital billboard and any other billboard on the same side of the roadway.
  8. A digital billboard shall incorporate systems/devices that will automatically freeze (remain static) a single message, content and/or image on the display should a billboard malfunction or be damaged.
  9. A digital billboard shall incorporate systems/devices necessary to automatically adjust the brightness/intensity of the display according to ambient (natural or otherwise) light conditions.
  10. The owner of a digital billboard shall coordinate with the City's Emergency Management Coordinator to display emergency information critical to the traveling public, such as AMBER ALERTS from a National Center for Missing and Exploited Children (NCMEC) authorized source, and other alerts involving terrorist attacks, natural disasters. Emergency messages are to remain in the display's rotation according to the designated issuing agency's protocols.
  11. If the City of Greenville determines that a digital billboard causes glare or otherwise impairs the vision of the driver of a motor vehicle or otherwise interferes with the operation of a motor vehicle, the owner of the digital billboard, within twelve (12) hours of a request by the City's Building Official or TXDOT, shall reduce the intensity of the display to a level acceptable to the City of Greenville and/or the Department of Community Development.
  12. The owner of a digital billboard shall provide the City of Greenville with contact information for a person who is available to be contacted at any time and who is able to turn off the display promptly should a billboard malfunction or damage occur.
  13. A digital billboard or its message, content and/or image shall not be configured to resemble a warning or danger signal or cause a driver to mistake the digital billboard or its message, content and/or image for a warning or danger signal.
  14. A digital billboard or its message, content and/or image shall not resemble or simulate any lights or official signage used to control

traffic in accordance with the currently adopted edition of the TXDOT Manual on Uniform Traffic Control Devices.

15. A digital billboard shall not:
  - a. Exceed 672 square feet in total display area.
  - b. Exceed 40 feet in height.
  - c. Be provided electrical service via overhead utility lines.
16. The conversion of existing legal non-conforming billboards to digital billboards, the conversion of existing legal conforming billboards to digital billboards, or the construction and operation of new digital billboards, shall only be allowed on lots with frontage on Interstate 30 located within the city limits.

**B. An existing legal non-conforming billboard may be converted to a digital billboard under the following conditions:**

1. Two (2) square feet of existing legal non-conforming billboard display shall be removed within the city limits by an owner for each one (1) square foot of digital billboard display area, either newly constructed or installed as a modification and/or conversion of an existing legal non-conforming billboard, requested by the owner. The two (2) square feet removed must be from physically completed legal non-conforming billboards with complete sign faces. No partially erected/completed signs may be used to qualify for the requirement.
2. When an existing legal non-conforming billboard is converted to a digital billboard, the converted digital billboard location shall retain its legal non-conforming status as a billboard.

(5)(6) Electronic Signs (Variable Message). Variable message electronic signs shall be an attached sign or a panel on a free-standing or monument style sign. Such signs may not exceed twenty (20) square feet. Sign characters, must have a minimum height of ten (10) inches and maximum height of sixteen (16) inches. Such signs may not be animated, flash, travel, blink, fade, or scroll. Such signs shall remain static for not less than fifteen (15) seconds, except that time and temperature displays shall remain static for not less than three (3) seconds. Only one variable message electronic sign, either free-standing or attached to a building, is permitted per lot.

WHEREAS, the City Council believes the amendments to Chapter 28 Zoning Regulations, Article V, Site Development Standards, Section 5-4 Sign Regulations is consistent with the best interest of the citizens of Greenville;

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

**SECTION 1:** That the City Council hereby approves the following regulations for sign regulations:

Section 4-1 Permitted Use Schedule:

USE TYPE	A	SF-E	SF-1	SF-2	SF-3	SF-4	PH	SFA	2F	MHP	MF-1	O	NS	GR	HR	C	CA	I-1	I-2
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Digital Billboard Sign															<b>P</b>	<b>P</b>		<b>P</b>	<b>P</b>
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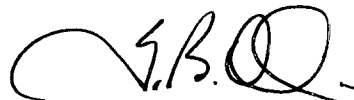
**SECTION 2.** All Ordinances or parts of Ordinances in conflict herewith are repealed to the extent of conflict only.

**SECTION 3.** A person who violates this Ordinance is guilty of a separate offense for each day or part of day the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$2,000.00.

**SECTION 4.** That if any section, provision, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of Greenville, Texas hereby declares it would have enacted such remaining portions, despite such invalidity.

**SECTION 5.** This Ordinance shall be in full force and effect from and after February 9, 2010.

**PASSED AND APPROVED**, this the 9th day of February, 2010.



Thomas B. Oliver, Mayor

**ATTEST:**



Debra Newell, City Secretary

**APPROVED AS TO FORM:**



Brent A. Money, City Attorney