

ORDINANCE NO. 04-2025

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 2 (ZONING REGULATIONS) OF THE LAND DEVELOPMENT CODE (LDC) SPECIFICALLY TO REPEAL SECTION 4.2.8.9 AREA, HEIGHT, PLACEMENT AND NUMBER AND TO REPLACE SAID SECTION WITH SECTION 4.2.8.9 AREA, HEIGHT, PLACEMENT AND NUMBER, AS REVISED, TO CREATE STANDARDS FOR TYPE III OFF-SITE SIGNAGE; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, the City Council finds establishing new standards for smaller off-site advertising signs is both desirable and beneficial to the city; and

WHEREAS, the City Council finds that the current standards in the Land Development Code for off-site advertising are inadequate to address the needs and opportunities presented by emerging technologies.

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

PART 1: That Chapter 4 (Site Development Regulations), Section 4.2.8.9 “Area, Height, Placement and Number”, is hereby repealed and replaced by Section 4.2.8.9 “Area, Height, Placement and Number”, as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING the 19st day of December, 2024.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the *Abilene Reporter-News*, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of November 2024, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 9th day of January 2025, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 9th day of January 2025.

ATTEST:

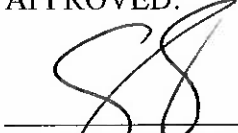


CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY



EXHIBIT A

Section 4.2.8.9 Area, Height, Placement and Number

- (a) All nonportable signs not specifically exempted from permits (by the terms of Section 4.2.8.6) shall be permitted only for the purposes identified in this section and within the limitations prescribed by this section.
- (b) Area shall be considered to be the entire area within any geometric figure, including, but not limited to, all elements of the matter displayed, but not including blank masking, frames, or structured elements outside the sign bearing no advertising or graphic matter.
- (c) Height shall be considered to be the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and that point on the crown of the street which is nearest to the point on the sign which is used to establish the setback of the sign, as setback is herein defined. For signs located two hundred (200) feet or further from a street, height shall be considered to be the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the highest adjacent grade. Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the structural support of the sign.
- (d) Setback shall be considered to mean a line parallel to, and the required distance from, the lot frontage adjacent to any street abutting the lot or tract in question, or a line parallel to and the required distance from any lot abutting the side of the lot or tract in question. For purposes of determining the requirements of this section, no portion of any sign or its support shall project or extend beyond the required setback line.
- (e) Visibility triangle shall be considered to mean a triangle formed by a diagonal line extending through two (2) points on the two (2) curblines or edge of pavement line thirty (30) feet from the street corner intersection. No sign or supporting structure shall be placed within the visibility triangle unless there is a minimum height of eight (8) feet from the ground to the lowest point on the sign or structure projecting over the triangle. In no instance, however, shall such projections extend or project beyond the required setbacks.
- (f) Sign standards. Signs shall meet the standards delineated in the following table and the following footnotes referenced in the table:
 - (1) Off-site advertising signs are prohibited within the city limits of the City of Abilene, except as specifically authorized below:
 - (a) Regulated by Zoning District:
 - i. Off-site advertising signs are only permitted within the following zoning districts: General Retail (GR), General Commercial (GC), Heavy Commercial (HC), Light Industrial (LI), Heavy Industrial (HI), and Agricultural-Open Space (AO).
 - ii. Off-site advertising signs are only permitted within the AO district with a Special Exception granted by the Board of Adjustment. In determining the suitability of a site within the AO district, the Board shall consider the proximity of the proposed location to existing or proposed residential uses as may be indicated on the zoning map of the City of Abilene or any land use plans that have been approved by either the Planning and Zoning Commission or the City Council.

iii. Type III signs are intended to allow for on-premise and/or off-premise advertising purposes, and only permitted in the CB zoning district in the area between South 1st Street, South 4th Street, Elm Street, and South Treadaway Boulevard shall be allowed. A Type III sign may be located on either side of these four boundary streets, subject to compliance with all applicable development standards.

(b) Regulation of Type I, II and III Signs:

i. Type I signs are those located along and oriented to a thoroughfare designated as a freeway or expressway in the City's adopted Thoroughfare Plan and are only permitted in the following locations:

Interstate Highway 20;

Loop 322; and

US Highway 83.

ii. Type I signs shall have a maximum area of 672 square feet and a maximum height of 42 feet, 6 inches or such height so that the bottom of the sign face is 8 feet higher than the adjacent main-traveled way, as defined by the Texas Department of Transportation, whichever is higher.

(c) Regulation of Type II and III Signs:

i. Type II signs are those located along and oriented to a thoroughfare designated as an arterial or collector in the City's adopted Thoroughfare Plan and are only permitted in the following locations:

Ambler Avenue;

Antilley Road;

Barrow Street;

Buffalo Gap Road;

Catclaw Drive;

East Highway 80;

East South 11th Street;

Grape Street;

Industrial Boulevard;

Judge Ely Blvd;

Leggett Drive;

Mockingbird Lane;

North 10th Street;

North 1st Street;

Pine Street;

Pioneer Drive;

Rebecca Lane;

Ridgemont Drive;

Sayles Blvd;

South 14th Street;

South 1st Street;
South 27th Street;
South 7th Street;
Southwest Drive;
Texas Avenue;
Treadaway Blvd/Pine Street (Business 83);
US Highways 83/277;
US Highways 83/84;
Willis Street.

- ii. Type II signs shall have a maximum area of 378 square feet and a maximum height of 35 feet.

(d) Regulation of Type III Signs:

- i. Type III signs are those located along and oriented to a thoroughfare designated as a freeway or expressway or as an arterial or collector by the City's adopted Thoroughfare Plan, as listed above for Type I and Type II signs and the following additional locations:

Butternut Street;

South 1st Street from Elm Street to South Treadaway Boulevard;

South 2nd Street from Elm Street to South Treadaway Boulevard;

South 3rd Street from Elm Street to South Treadaway Boulevard;

South 4th Street from Elm Street to South Treadaway Boulevard;

Elm Street from South 1st Street to South 4th Street;

Sycamore Street from South 1st St. to S. 4th Street;

Chestnut Street from South 1st St. to S. 4th Street;

Oak Street from South 1st St. to S. 4th Street;

Pecan Street from South 1st Street to South 4th Street;

Locust Street from South 1st Street to South 4th Street;

Cherry Street from South 1st Street to South 4th Street;

Willow Street from South 1st St. to South 4th Street.

- ii. Type III signs are subject to the following development standards:
 1. Maximum sign area is limited to fifty (50) square feet.
 2. Maximum sign height is limited to the height of the wall on which it is mounted but is limited to a maximum height of twenty (20) feet, as measured grade of the wall on which it is mounted.
 3. Type III signs shall be mounted flat wall. The cantilevered mounting of signs is not permitted.

4. Type III signs shall be subject to the minimum setback and spacing limitations that apply to Type I and Type II signs.
5. Type III signs shall be subject to all electronic message sign regulations.
6. Type III signs shall not be utilized as free-standing sign or as a roof mounted sign, and may not be located on an accessory structure, fence, equipment, or other type of building or structure.

(2) Spacing and separation of off-site advertising signs shall be based on the following:

- a. Signs shall be separated from other off-site advertising signs on the same side of the street by a minimum distance of 1,500 feet on interstate and primary highways, as designated by the Texas Department of Transportation.
- b. Signs shall be separated from other off-site advertising signs on the same side of the street by a minimum distance of 750 feet when not on an interstate or primary highway.
- c. Signs shall be separated from other off-site advertising signs in any direction by a minimum of 250 feet.
- d. No off-site advertising signs shall be permitted less than 135 feet from a lot in a Residential Single-family (RS), Mobile Home (MH), or Multifamily (MF) district.
- e. No off-site advertising signs shall be permitted less than 400 feet from a lot in a Residential Single-family (RS), Mobile Home (MH), or Multifamily (MF) district when adjacent to roadways designated as interstate or primary.

Sign Classification	Permitted Zoning Districts	Maximum Area	Maximum Height	Minimum Setback Required	Number And/or Spacing Limitations	Illumination Permitted	Motion Permitted	Additional Requirements	
Off-Site	Type I	GR	672 Sq Ft	42.5 ft. or bottom of sign 8 ft. above primary roadway	10 feet if abutting MD, CU, or AO	1,500 ft. spacing on same side of street 250 ft. radial spacing (2)	Yes	Yes	Permit Required (1)
		GC							
		HC							
		LI							
		HI		(1), (5), (6)					
		AO (SE)							
		(1)							
	Type II	GR	378 Sq Ft	35 ft.	10 feet if abutting MD, CU, or AO	750 ft. spacing on same side of street, except 1,500 ft. on interstate or primary 250 ft. radial spacing (2)	Yes	Yes	Permit Required (1)
		GC							
		HC		(1), (5), (6)					
		LI							
		HI							
		AO (SE)							
		(1)							
	Type III	<u>CB*</u>			<u>200 ft. from any Residential use or District</u>	<u>1 per parcel - 500 ft. spacing on same side of street and 250 ft. radial spacing</u>	<u>Yes</u>	<u>Yes</u>	<u>Permit Required</u>
		<u>GR</u>							
		<u>GC</u>							
		<u>HC</u>	<u>50 sq. ft.</u>	<u>20 ft. on facade</u>					
	<u>LI</u>								
	<u>HI</u>								
	<u>AO (SE)</u>								

Sign Classification	Permitted Zoning Districts	Maximum Area	Maximum Height	Minimum Setback Required	Number And/or Spacing Limitations	Illumination Permitted	Motion Permitted	Additional Requirements
On-Site	AO	700 Sq Ft	35 Ft (5), (6)	10 feet from property line	One per business or activity	Yes	Yes	Permit Required
	MU O	36 Sq Ft	12 ft.	10 feet from property line	One per business or activity	Yes	Yes	Permit Required
	CB GR GC HC LI HI	300 sq. ft. (no limitation for wall signs)	50 ft, except (4) in CB (no restrictions) (5), (6)	(4)	One Freestanding sign per business per street frontage	Yes	Yes	Permit Required
	MF MD MH	20 sq. ft. (3)	10 ft. (3)	10 feet from property line	One per business or activity per street frontage	Yes	Yes	Permit Required
	CU RS RR PH TH	6 sq. ft. (3)	 (3)	 (4)	One per premises (3)	No (3)	No (3)	

***Type III signs only permitted on specified streets in CB District**

Footnotes:

(1) No off-site advertising signs shall be permitted less than one hundred thirty-five (135) feet from a lot in a residential single-family or MF district.

No off-site advertising signs shall be permitted less than four hundred (400) feet from a lot in a residential single-family or MF district when adjacent to interstate or primary road systems.

In the AO zoning district, off-site advertising signs may be permitted upon issuance of special exemption by the board of adjustment after a public hearing. In determining the suitability of a site for placement of an off-site advertising sign, the board shall consider the proximity of the proposed location to existing or proposed residential uses as may be indicated on the zoning map of the City of Abilene or any land use plans that have been approved by either the planning and zoning commission or the city council. Setbacks for off-site advertising signs on interstate/primary roads shall be established by the State of Texas.

- (2) The minimum separation shall be measured from signs on the same side of the street.
- (3) Signs on developing property shall be signs on property under current construction or property that is being promoted in advance of sale and development.
Institutional signs and neighborhood entrance signs located within residential districts are permitted to be up to 80 square feet in area and up to 25 feet in height. In addition, only one wall sign is permitted per street frontage so long as such sign exceeds no more than 100 square feet in area. Such signs shall be permitted to be illuminated and may be an electronic message sign.
- (4) Front setback shall be a minimum of ten (10) feet from back of curb or edge of pavement where there is no curb; provided, however, that no sign shall project into the public right-of-way of any street or alley except in the central business district as provided in section 2.3.3.7. The setback from street side property lines for monument signs shall be 5 feet from the property line or 15 feet from the curb, whichever is greater.
Side setbacks shall be ten (10) feet from any side abutting a lot or tract in an AO, RS, RR, PH, TH, MD, MF, MH, or CU district. In all other cases there shall be no side setback.
- (5) Freestanding signs shall have a minimum grade clearance of eight (8) feet six (6) inches.
Monument signs shall not exceed a height of 8 feet.
Exception: Freestanding signs (including monument signs) set back a minimum twenty-five (25) feet from all street-side property boundaries do not need a minimum grade clearance of eight (8) feet. A sign so located may also exceed the forty-two-inch height limitation, but shall not exceed the maximum area or height of signs allowed.

-END-