

## City Council Work Session Handouts

June 4, 2012

- I. Review and Discuss the North Texas Municipal Water District Water Conservation Plan
- II. Review and Discuss Resolution Denying Atmos Gas 2012 Rate Increase Request
- III. Review and Discuss the Fiscal Year 2012-2013 Budget Calendar
- IV. Review and Discuss the Collin Central Appraisal District and Dallas Central Appraisal District Preliminary 2012-2013 Tax Roll
- V. Review and Discuss the Enhancements to Chapter 18 of the City's Code of Ordinances Concerning Sign Regulations

# NTMWD

## Water Supply Status

-

## Stage 3 to Stage 2

**City Council Work Session**

**June 4, 2012**

# Outline

- **BACKGROUND:**
  - **2011-2012 Drought Progression/Conclusion**
- **Current Water Conditions – Lake Levels**
- **District - Cities Coordination**
- **NTMWD Water Supply Mitigation Plans - Status**
- **Stage 3 to 2 Change Implementation**
- **Stage 2 Rationale & Features**
- **Communication/Enforcement**
- **Path Forward**

# 2011-2012 Drought Progression & Conclusion

- Stage 1, 2% – April 19, 2011
- Stage 2, 5% – August 19, 2011
- Stage 3, 10% – November 1, 2011 (2/month watering)
- Feb -Mar 2012 – Drought Declared Over
- Stage 3, Modified, 10% - April 3, 2012 (1/week watering)
- Stage 2, 10% - June 1, 2012 (2/week watering)
  - June, July, August & September
  - August / NTMWD Board Meeting (Monitor/Evaluate)

# 2011-2012 Drought Progression & Conclusion

- **Richardson Citizens'** conservation efforts continue to exceed **Stage 3**, 10% reduction goal.
  - Richardson at 13-plus percent
  - District-wide reduction in April registered at over 14%
- **Municipal Facilities'** conservation efforts:
  - Street median, green spaces watering reduced citywide
  - Fire hydrant flushing minimized to TCEQ's requirements
    - Flushed water collected to use in City parks, medians, green spaces as much as possible
      - **Stage 2...**
        - Will water more frequently in hottest summer months to protect vegetation damage

# Current Water Conditions

Water Supply	Current Lake Elevation	Above or Below Conservation Pool	Date
Lavon	491.42 ft.	- 0.3 ft.	June 1, 2012
Tawakoni	436.88 ft.	- 2.5 ft.	June 1, 2012
Cooper	439.12 ft.	- 0.9 ft.	June 1, 2012
Texoma*	616.82 ft.	+ 0.3 ft.	June 1, 2012

\* Texoma remains unavailable due to Zebra Mussel

# District-Cities Coordination

- **District-Cities Coordinating efforts continue to be effective...**
  - Standing meetings with member/customer cities ongoing
    - From Stages 1 – 3 and back to Stage 2
  - Customer Cities/Member Cities Directors
  - City Managers and NTMWD Director / Assistant Director
  - NTMWD Board Meeting held May 24, 2012
    - Stage 2 authorized effective June 1, 2012
- **Common Goal:**
  - Regionally standardize all best management practices/Stage restrictions - *as much as possible*
    - Consistent policies regarding exceptions
  - **Use water wisely - no waste: 10% reduction in usage is still required**
    - Stage 2 yields 2/week watering “*flexibility.*” Use on “*as needed*” basis
  - Make water supply last until Lake Texoma water & ongoing Mitigation Plans resumed or procured
  - Education on best management practices
    - Texas AgriLife Center - Texas A&M Extension Services
      - Mulch for moisture, grass cutting heights, sprinkler systems checks, drip irrigation, etc...
  - Education/Enforcement
  - Communication

# NTMWD Mitigation Plans - Status

- **Dallas Water Utilities – Interim Water Purchase**
  - 30 to 60 mgd - 3 year commitment
  - Contract execution now expected late 2012
    - Increased Feb/Mar rainfall changed negotiation terms
- **2012 Seasonal Pumping not realized**
  - Rising lake levels made this less critical in 2012
- **Lake Texoma pipeline to Wylie Plant**
  - On schedule for Fall to late 2013 completion
    - Sec 404 Clean Water Act Permit obtained
    - Submitted and approved by USACE in < 60 days
- **Legislative Strategies (2013 Seasonal Pumping)**
  - SB now being drafted – will seek to exclude current excessive liabilities from invasive species down stream



# Stage 3 to 2 Rationale

- *Change from Stage 3 to 2 possible due to...*
  - Drought's end from significant rain in Feb - Mar 2012
  - Change in long term weather forecast (La Nina ending in March as forecasted)
  - More rainfall in spring months
  - More inflow now in reservoirs than F&N's worst case model predicted
  - Dallas interim supply prospect
  - Collectively, water use reduction at over 14%
    - Local and regional awareness, participation makes this possible

# Stage 2 Features

Effected June 1, 2012

## Stage 2 - Twice/Week Watering Frequency

Last Digit of Address	Allowed Watering Day
Even - 0, 2, 4, 6, 8	Tuesday & Saturday
Odd - 1, 3, 5, 7, 9	Wednesday & Sunday

# Stage 2 Features

## ...Continued

- The washing or hosing down of buildings, sidewalks, driveways, patios porches, parking areas or other paved surfaces is permitted while using a hose with a shutoff nozzle.
- Excessive run-off from any landscaped area onto any impervious surface is prohibited.
- No outdoor watering is allowed between 10:00 am – 6:00 pm or during any period of precipitation (rain, snow, sleet, etc.).
- Drip irrigation systems and soaker hoses used to keep foundations moist may be used without hourly limitations (2 hrs recommended).
- The watering of newly installed landscaping is permitted until the roots are established.

# Stage 2 Features

## ...Continued

- Reduce consumption by no less than 10% as compared to the same water usage of the prior year and in the same month.
- Pools and spas may be drained and refilled for repairs and/or maintenance as needed.
- The washing or rinsing of vehicles, boats, trailers, other mobile vehicles and equipment on owner's premises is permitted while using a hose with a shut-off nozzle.
- Competition public athletic fields may be watered as needed.

# Communication

- Inform residents of Stage 2 watering 2/week through:
  - Richardson's Web ([www.cor.net](http://www.cor.net))
  - Social media
  - *Richardson Today* articles
  - Week in Review
  - HOA meeting updates
  - Water bill insert
  - Stage 2 brochure

# Enforcement

- Complaint basis only
- 7 days a week
- Utilizing existing staff in addition to a reduced part-time inspection team
- Will continue to focus on education
  - Personal contact or information notice
- For continuing or ongoing violations, will issue a notice of violation and citation is warranted.

# Path Forward

- Freese & Nichols continues modeling:
  - 2/Week watering in hotter summer months - impacts to supply
- Continue education and enforcement
- Brief City Council regularly on water resources status

# Q & A





**EXECUTIVE SUMMARY**  
**Atmos Gas System-wide Rate Increase Request**  
June 4, 2012

**Background**

- On February 1, 2012, Atmos Mid-Tex filed a request to increase rates system-wide for natural gas customers.
- The City has original jurisdiction over rates and services charged by gas companies within city limits.
- On February 27, 2012, Council acted to suspend the effective date of Atmos' request, pending further review of the filing.
- The City is an active participant in the Atmos Cities Steering Committee (ACSC), a coalition of 154 Cities Statewide, which work together to address gas rate issues, and share costs of same.

**Discussion**

- Atmos is asking the City to approve an 13.6% increase in residential customer rates, and an overall increase of 11.94% across all customer classes. This would result in approximately \$49 million in additional revenue. Additionally, the application would change the way that rates are collected, by increasing the residential fixed-monthly (or customer) charge from \$7.50 to \$18.00 and decreasing the consumption charge from \$0.25 per 100 cubic feet ("ccf") to \$0.07 per ccf.
- The filing was thoroughly reviewed by accountants and lawyers engaged by the ACSC who found that the request was excessive. The Committee then entered settlement discussions with Atmos, however, were unable to reach agreement prior to the expiration of the 90-day timeline required before the rates automatically took effect.
- During the settlement discussions, Atmos extended the original June 4 deadline until June 11, to permit additional discussion.
- The ACSC and Atmos support the passage of a denial resolution, to permit more time for settlement discussions to take place.
- Atmos will likely appeal the denial to the Railroad Commission, triggering a 185-day review cycle prior to any action by the Commission.

**Recommendation**

- Staff recommends that Council pass the attached resolution denying the Company's proposed rate increase. This will prevent the rates from automatically taking effect on June 11, 2012, and permit more time to engage in further settlement discussions with Atmos.

## ACSC Cities (154 Total)

Abilene	Fate	Palestine
Addison	Flower Mound	Pantego
Allen	Forest Hill	Paris
Alvarado	Fort Worth	Parker
Angus	Frisco	Pecan Hill
Anna	Frost	Plano
Argyle	Gainesville	Ponder
Arlington	Garland	Pottsboro
Bedford	Garrett	Prosper
Bellmead	Grand Prairie	Quitman
Benbrook	Grapevine	Red Oak
Beverly Hills	Haltom City	Reno (Parker County)
Blossom	Harker Heights	Richardson
Blue Ridge	Haskell	Richland
Bowie	Haslet	Richland Hills
Boyd	Hewitt	River Oaks
Bridgeport	Highland Park	Roanoke
Brownwood	Highland Village	Robinson
Buffalo	Honey Grove	Rockwall
Burkburnett	Hurst	Roscoe
Burleson	Iowa Park	Rowlett
Caddo Mills	Irving	Royse City
Carrollton	Justin	Sachse
Cedar Hill	Kaufman	Saginaw
Celeste	Keene	Seagoville
Celina	Keller	Sherman
Cisco	Kemp	Snyder
Cleburne	Kennedale	Southlake
Clyde	Kerrville	Springtown
College Station	Killeen	Stamford
Colleyville	Krum	Stephenville
Colorado City	Lakeside	Sulphur Springs
Comanche	Lake Worth	Sweetwater
Coolidge	Lancaster	Temple
Coppell	Lewisville	Terrell
Corinth	Lincoln Park	The Colony
Corral City	Little Elm	Trophy Club
Crandall	Lorena	Tyler
Crowley	Madisonville	University Park
Dalworthington Gardens	Malakoff	Venus
Denison	Mansfield	Vernon
DeSoto	McKinney	Waco
Duncanville	Melissa	Watauga
Eastland	Mesquite	Waxahachie
Edgecliff Village	Midlothian	Westlake
Emory	Murphy	Whitesboro
Ennis	Newark	White Settlement
Euless	Nocona	Wichita Falls
Everman	North Richland Hills	Woodway
Fairview	Northlake	Wylie
Farmers Branch	Oak Leaf	
Farmersville	Ovilla	

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS, DENYING ATMOS ENERGY CORP., MID-TEX DIVISION'S ("ATMOS MID-TEX") REQUESTED RATE CHANGE; REQUIRING THE COMPANY TO REIMBURSE THE CITY'S REASONABLE RATEMAKING EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND ACSC'S LEGAL COUNSEL; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Richardson, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and is a regulatory authority under the Gas Utility Regulatory Act ("GURA") and under Chapter 104, §104.001 et seq. of GURA, has exclusive original jurisdiction over Atmos Mid-Tex's rates, operations, and services within the City; and

**WHEREAS**, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of over 150 similarly situated cities served by the Company that have joined together to facilitate the review and response to natural gas issues affecting rates charged in the Atmos Mid-Tex Division; and

**WHEREAS**, pursuant to the terms of the agreement settling the Company's 2007 Statement of Intent to increase rates, ACSC and the Company worked collectively to develop a Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process controlled in a three-year experiment by ACSC as a substitute to the current GRIP process instituted by the Legislature; and

**WHEREAS**, ACSC and the Company agreed to extend the RRM process in reaching a settlement in 2010 on the third RRM filing; and

**WHEREAS**, in 2011, ACSC and the Company engaged in good faith negotiations regarding the continuation of the RRM process, but were unable to come to ultimate agreement; and

**WHEREAS**, on or about January 31, 2012, the Company filed a Statement of Intent with the cities retaining original jurisdiction within its Mid-Tex service division to increase rates by approximately \$49 million; and

**WHEREAS**, Atmos Mid-Tex proposed March 6, 2012, as the effective date for its requested increase in rates; and

**WHEREAS**, the City suspended the effective date of Atmos Mid-Tex's proposed rate increase for the maximum period allowed by law and thus extended the City's jurisdiction until June 4, 2012; and

**WHEREAS**, on April 25, 2012, the Company extended the effective date for its proposed rates by one week, which similarly extended the City's jurisdiction until June 11, 2012; and

**WHEREAS**, the ACSC Executive Committee hired and directed legal counsel and consultants to prepare a common response to the Company's requested rate increase and to negotiate with the Company and direct any necessary litigation; and

**WHEREAS**, ACSC's consultants conducted a review of the Company's requested rate increase and found justification that the Company's rates should be decreased; and

**WHEREAS**, ACSC and the Company have engaged in settlement discussions but will be unable according to Company representations to reach settlement in sufficient time for cities to act before June 11, 2012; and

**WHEREAS**, failure by ACSC members to take action before June 11, 2012 would allow the Company the right to impose its full request on residents of said ACSC members; and

**WHEREAS**, the ACSC Settlement Committee recommends denial of the Company's proposed rate increase in order to continue settlement discussions pending the Company's appeal of cities' denials to the Railroad Commission of Texas; and

**WHEREAS**, the GURA § 103.022 provides that costs incurred by cities in ratemaking activities are to be reimbursed by the regulated utility;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS:**

**SECTION 1.** That the rates proposed by Atmos Mid-Tex to be recovered through its gas rates charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

**SECTION 2.** That the Company shall continue to charge its existing rates to customers within the City and that said existing rates are reasonable.

**SECTION 3.** That the City's reasonable rate case expenses shall be reimbursed by the Company.

**SECTION 4.** That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

**SECTION 5.** That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of David Park, Vice President Rates & Regulatory Affairs, at Atmos Energy Corporation, Mid-Tex Division, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

**SECTION 6.** That all provisions of the resolutions of the City of Richardson, Texas, in conflict with the provisions of this Resolution be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Resolution shall remain in full force and effect.

**SECTION 7.** That this Resolution shall become effective immediately from and after its passage.

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Richardson, Texas, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

CITY OF RICHARDSON, TEXAS

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
PETER G. SMITH, CITY ATTORNEY  
(PGS:05-31-12:TM 55689)

**City of Richardson  
Budget Calendar  
Fiscal Year 2012-2013 - ADOPTION ON SEPTEMBER 10, 2012**

April 1- May 1	Dallas Central Appraisal District & Collin Central Appraisal District prepare to mail notices of appraised value
May	City to receive Preliminary Values from appraisal districts
Fri., May 11	Departmental revenue projections, budgets and all support documentation due to the Budget Office
May 21 - June 8	Departmental budget presentations to Budget Team
June/July	Budget Team begins making revised revenue and expenditure forecasts
Fri., July 13	Post notice of City Council Budget Retreat
<b>Tues., July 17 - Wed., July 18</b>	<b>City Council Budget Retreat - 5:30pm</b>
Wed., July 25	Certified tax rolls received by the City
July 25 - 31	Calculation of effective and rollback tax rates (including uploading & balancing data from CADs)
Fri., Aug. 3	City Manager files budget w/City Secretary for public review (by August 15, 2012) (Budget Public Hearing must be at least 15 days after filing of Budget w/City Secretary/Council) Post notice of City Council Meeting, for discussion of tax rate, setting public hearing and to take a record vote on tax rate.
<b>Mon., Aug. 6</b>	<b>City Council Special Meeting - Discuss tax rate, set public hearings on tax rate &amp; take record vote on tax rate AND set date &amp; place of public hearing on budget.</b> (Tax public hearings are required if proposed rate will exceed the lower of the rollback tax rate or the effective tax rate) Newspaper deadline for Thu 8/9 ad "Effective and Rollback Tax Rates (ETR)"
Wed., Aug. 8	Newspaper deadline for Sun 8/12 ad "Notice of Public Hearing on Tax Increase" (must have results of record vote from CC Mtg) Newspaper deadline for CSO's Legal Notice, Fri 8/10 ad - "Notice of Public Hearing on Budget"
Thu., Aug. 9	Publish "Effective and Rollback Tax Rates (ETR)" (or publish "ETR" as late as the same time as the "Notice of Public Hearings")
Fri., Aug. 10	CSO Legal Notice of the Budget Public Hearing in the 2012-2013 Budget (required 10-30 days before hearing & need results of 8/13 mtg.)
Sun., Aug. 12	Publish "Notice of Public Hearing on Tax Increase" (At least 7 days before 1st Public Hearing on tax rate)
Mon., Aug. 13	Internet & CITV "Notice of Public Hearings on Tax Increase" (Posted at least 7 days immediately before the 1st hearing on the tax rate & run until 2nd public hearing is concluded)
Fri., Aug. 17	Post notice of City Council Meeting, for public hearings on budget and tax rate
<b>Mon., Aug. 20</b>	<b>City Council Special Meeting - Hold Public Hearing on Budget and 1st Public Hearing on tax rate</b> (PH on Budget must be at least 15 days after budget is filed with CSO/Council. 1st PH on Tax Rate must be at least 7 days after NPH is published. 2nd Public Hearing on Tax Rate is required to be at least 3 days after the 1st Public Hearing)
Wed., Aug. 22	Newspaper deadline for Sun 8/26 ad "Notice of Tax Revenue Increase" #1 (NTRI)
Fri., Aug. 24	Post notice of City Council Meeting, for 2nd public hearing on tax rate
Sun., Aug 26	Publish (1 of 2) "Notice of Tax Revenue Increase" (NTRI)
<b>Mon., Aug. 27</b>	<b>City Council Meeting (Regular) - Hold 2nd Public Hearing on tax rate</b> (2nd Public Hearing on Tax Rate is required to be at least 3 days after the 1st Public Hearing. Adopt tax rate within 7 - 14 days)
Wed., Aug. 29	Newspaper deadline for Sun 9/2 ad "Notice of Tax Revenue Increase" #2 (NTRI)
Sun., Sept.2	Publish (2 of 2) "Notice of Tax Revenue Increase" (NTRI)
<b>Mon., Sept.3</b>	<b>Labor Day - No Meeting, City offices closed</b> Internet & CITV "Notice of Tax Revenue Increase" (NTRI) (post at least 7 days prior to vote on tax rate)
Fri., Sept. 7	Post notice of City Council Meeting, adoption of budget and property tax rate
<b>Mon., Sept.10</b>	<b>City Council Meeting* (Regular) - Vote to Ratify tax increase reflected in the budget, Adopt Budget and Adopt Property Tax Rate for FY 2012-2013, *3 separate vote actions needed.</b> (Tax Adoption must be 7-14 days after the 2nd Tax Public Hearing OR "NTRI" must be published a third time) Actual time, 14 days - therefore, a third "NTRI" is not required.

After Tax Rate is Adopted Post "The City of Richardson adopted..." statement on web, if M&O levy is greater than previous year's M&O levy. No posting day or duration is specified for this posting. We have posted for one week in previous years.

# Executive Summary

## Preliminary 2012-2013 Tax Roll

### May 17, 2012

#### Background:

- The City of Richardson is served by two county appraisal districts providing their respective portions of the city's appraisal information. The Dallas Central Appraisal District (DCAD) represents approximately 65% of the value and the Central Appraisal District of Collin County (CCAD) represents approximately 35%.
- The City recently received the 2012 DCAD and CCAD preliminary tax rolls and is now able to summarize a total preliminary evaluation.
- These values represent the values as of this past January 1, 2012 – the benchmark status date for this annual effort.
- The preliminary rolls are presented differently by each of the appraisal districts.
  - DCAD - provides the value that is in their system as of May 17, 2012. This value then changes throughout the summer as the appraisal review board hears protests and as late renderings are received for business personal property, etc.
  - CCAD - provides a forecasted estimated value of what they believe the value will be on the July 25<sup>th</sup> certification date.

#### Preliminary Value Analysis:

- When we combine the information for both appraisal districts, the following first summaries are provided:

	<b>2012</b>		<b>2011</b>		<b>DIFFERENCE</b>	<b>PERCENT</b>
	<b>PRELIMINARY</b>		<b>CERTIFIED FINAL</b>			
CCAD	\$ 3,541,441,492	\$	3,419,042,246	\$	122,399,246	3.58%
DCAD	\$ 6,601,509,707	\$	6,327,440,184	\$	274,069,523	4.33%
	<b>\$ 10,142,951,199</b>	<b>\$</b>	<b>9,746,482,430</b>	<b>\$</b>	<b>396,468,769</b>	<b>4.07%</b>

- With the expected property owner's review, and opportunity to protest their appraisal to the Review Boards, reduced values from these preliminary values are expected. For the current year, the following was experienced:

	<b>2011</b>		<b>2011</b>		<b>DIFFERENCE</b>	<b>PERCENT</b>
	<b>PRELIMINARY</b>		<b>CERTIFIED FINAL</b>			
CCAD	\$ 3,277,900,000	\$	3,419,042,246	\$	141,142,246	4.31%
DCAD	\$ 6,477,999,591	\$	6,327,440,184	\$	(150,559,407)	-2.32%
	<b>\$ 9,755,899,591</b>	<b>\$</b>	<b>9,746,482,430</b>	<b>\$</b>	<b>(9,417,161)</b>	<b>-0.10%</b>

- The City will receive periodic updates to these preliminary values from DCAD as reviews occur over the next two months.

- Using a 5 year history of these adjustments, the following is a **very informal** forecast of what an average of the 5 years of bi-weekly adjustments may produce as a final 2012 Certified roll:

**Preliminary to Certified Forecast: Five-year Adjustment history method**

2012 EVR DATE	2012 TAXABLE VALUE	2012 Gain/Loss Estimate (5-yr average)
4/27	\$ 3,541,441,492	
5/17	6,601,509,707	
	10,142,951,199	
<b>2</b>	<b>3,541,441,492</b>	
	<b>6,606,906,942</b>	<b>5,397,235</b>
	<b>10,148,348,434</b>	<b>5,397,235</b>
<b>3</b>	<b>3,541,441,492</b>	
	<b>6,590,687,404</b>	<b>(16,219,538)</b>
	<b>10,132,128,896</b>	<b>(16,219,538)</b>
<b>4</b>	<b>3,541,441,492</b>	
	<b>6,528,064,291</b>	<b>(62,623,113)</b>
	<b>10,069,505,783</b>	<b>(62,623,113)</b>
<b>5</b>	<b>3,541,441,492</b>	
	<b>6,389,987,322</b>	<b>(138,076,968)</b>
	<b>9,931,428,814</b>	<b>(138,076,968)</b>
Certified Estimate	3,541,441,492	--
Certified Estimate	6,266,195,266	(123,792,056)
	\$ 9,807,636,758	(123,792,056)
	<b>\$ 9,807,636,758</b>	<b>(335,314,441)</b>
<b>0.6% Change from 2011 Cert. Val.</b>		
<b>-3.4% Change from 2012 Prelim. Val.</b>		

(Estimates are in bold)

- This 0.6% increase from last year's certified roll would represent the third increase in the last five years.

<b>Comparison to Previous Year Certified Roll:</b>			
Fiscal Year (Tax Year)	Taxable Value	Change from Prior Year	Percent Change
2007/2008 (2007)	\$ 9,536,507,360		
2008/2009 (2008)	9,914,847,711	378,340,351	4.00%
2009/2010 (2009)	9,884,098,045	(30,749,666)	-0.30%
2010/2011 (2010)	9,711,158,368	(172,939,677)	-1.70%
2011/2012 (2011)	9,746,482,430	35,324,062	0.36%
<b>2012/2013 (2012)</b>	<b>\$ 9,807,636,758</b>	<b>\$ 61,154,328</b>	<b>0.60%</b>

- Each 1% of the tax roll is worth about \$623,000 of tax revenue. Each \$0.01 cent of the tax rate is worth about \$981,000.



- DCAD and CCAD provide summary reports by taxing entity. The DCAD detail sheets provide a summary by taxing entity for their Grand Total, and information on the three key components of those values: Commercial, Business Personal Property (BPP), and Residential. CCAD detail sheets do not reflect the three components, so only the Grand Total is reflected here.

**DCAD Percent Change: 2011 Certified to 2012 Preliminary**

	<b>Residential</b>	<b>Commercial</b>	<b>BPP</b>	<b>Grand</b>
<b>Richardson</b>	<b>-0.06%</b>	<b>12.13%</b>	<b>1.34%</b>	<b>4.33%</b>
Dallas County	-0.11%	11.62%	6.99%	5.16%
R.I.S.D.	0.50%	9.60%	0.75%	3.56%
Other Dallas Co. Cities:				
Irving	-0.38%	17.61%	9.01%	9.96%
Addison	1.06%	11.48%	5.09%	8.60%
Carrollton	-3.13%	7.90%	13.87%	6.62%
Dallas	0.40%	12.36%	5.93%	5.76%
Farmers Branch	0.77%	7.61%	6.13%	5.70%
Garland	-2.07%	5.65%	5.91%	1.13%
Grand Prairie	-2.29%	5.52%	0.23%	-0.03%
Mesquite	-4.40%	4.20%	4.03%	-0.59%

**CCAD Percent Change: Supplemented 2011 to Preliminary 2012**

	<b>Residential</b>	<b>Commercial</b>	<b>BPP</b>	<b>Grand</b>
<b>Richardson</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>1.32%</b>
Collin County	N/A	N/A	N/A	2.05%
P.I.S.D.	N/A	N/A	N/A	0.94%
Other Collin Co. Cities:				
Allen	N/A	N/A	N/A	3.32%
Frisco	N/A	N/A	N/A	2.40%
Plano	N/A	N/A	N/A	1.88%
McKinney	N/A	N/A	N/A	0.79%

**Summary:**

- Staff will continue to note adjustments to the preliminary roll resulting from protest resolutions and any clerical adjustments as DCAD updates their records.
- As required by law, the Certified roll is due on Wednesday, July 25.

# SIGN ORDINANCES RECOMMENDED REVISIONS – ARTICLES I & II

City Council Briefing: June 4, 2012

# Introduction

## □ **City Council 2011-13 Statement of Goals**

- *Economic Development: Ensure that development, redevelopment, and construction requirements are clearly communicated, and the City's processes and procedures are predictable, consistent, easy to understand, and timely.*

# Introduction



- ❑ Recommendations are intended to make it easier for business owners to interpret and apply sign regulations.
- ❑ The proposed enhancements also seek to address other opportunities that have developed due to changes in sign technology and construction methods as well as community trends.

# Overview of Existing Ordinance

- ❑ First adopted in 1966
- ❑ Last amended in 2004 – Exempted political signs
- ❑ Regulations organized in the following manner:
  - ❑ General regulations (9 subsections)
  - ❑ Prohibitions (12 subsections)
  - ❑ Classification (7 categories, 38 sub-categories)
  - ❑ District Regulations (4 categories)

# Shortcomings of Existing Ordinance

- ❑ Ordinance tends to be difficult for business owners and contractors to understand due to classification / use district approach
- ❑ Ordinance prescribes inconsistent regulations for the same or similar uses (churches for instance) that locate in the various use districts
- ❑ Ordinance does not include regulations for new, modern sign types
- ❑ Ordinance does not detail or specify how various sign elements shall be measured
- ❑ All variances require Sign Control Board approval



# Enhancements Opportunities

# Enhancement Opportunities

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- 1. Organize regulations by Sign Type**
  - ❑ Eliminate classification and use district sections**



# Enhancement Opportunities

## Step 1 – Sign Class

### Sec. 18-101. Class 5, Major Freestanding Signs.

Major freestanding signs in the use districts, where permitted, require a sign permit to be issued by the chief building official prior to erection. Major freestanding signs shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of area, and shall be constructed to receive dead load as required in the building code or other ordinances of the city. All major freestanding signs shall be placed in concrete bases or footings. Major freestanding signs may be constructed only of materials that are noncombustible or slow-burning in the case of plastic inserts and faces and may be supported by noncombustible material only and finished in a presentable manner; wood or nonpainted steel supports are specifically prohibited. Heavy timber and other materials may be used if approved by the chief building official. Major freestanding signs shall be protected by wheel or bumper guards when required by the building official. Major freestanding signs shall not have attached any guys or braces. Major freestanding signs must be located a minimum of 30 feet from an adjoining private property line and a minimum of 60 feet from any other sign and may not be located within 100 feet of any single-family residential zoned property. All major freestanding signs must be located on site. No permit for a major freestanding sign shall be issued unless the application therefore contains a letter of approval and request from the owner of the real property where such sign is to be constructed. No major freestanding sign shall be constructed so that the minimum clearance thereof is less than nine feet if any portion thereof overhangs a driveway, parking space, sidewalk, or other public or private right-of-way for the passage of vehicles or pedestrians. All major freestanding signs designed to be constructed at an overall height of eight feet or less from ground level shall be landscaped around the base of the sign in an area equal to four square feet for each square foot of sign and base area.

## Step 2 – District Regulations

### Sec. 18-125. Retail, commercial districts.

The retail and commercial use districts shall include all zoning classifications designated for local retail or commercial usage.

(5) Class 5. Major freestanding signs shall be permitted in these districts. Single-usage major freestanding signs, as described in article III, shall not exceed a height of 20 feet and shall not exceed an area of 60 square feet.

Multiple-usage major freestanding signs, as described in article III, shall not exceed a height of 20 feet and shall not exceed an area of 80 square feet. The number of signs shall be limited by the following:

- a. For sites of less than ten acres, one single-usage major freestanding sign shall be permitted.
- b. Eating establishments with drive-through service are permitted two menu board signs per site. No menu board sign shall be (1) larger than 45 square feet; (2) more than eight feet high; and (3) located closer than 30 feet to adjacent property lines. One menu board may contain a digital display two square feet or less which may not flash, change color, or be illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance.
- c. For sites of ten acres, but less than 15 acres, two single-usage major freestanding signs shall be permitted or one single-usage major freestanding sign and one multiple-usage major freestanding sign shall be permitted.
- d. For sites of 15 acres or greater, three single-usage major freestanding signs shall be permitted, or one multiple-usage major freestanding sign and two single-usage major freestanding signs shall be permitted or two multiple-usage major freestanding signs shall be permitted, providing that only one multiple-usage major freestanding sign may be located per public street frontage.
- e. For sites exceeding 15 acres on which signs are desired in excess of the above regulations, a total sign plan for the site may be submitted to the sign control board for consideration as a variance of this chapter.

## Step 3 – Illumination

### Sec 18-6 (7)

All illuminated signs shall be subject to the provisions of the electrical code of the city as may be amended. In addition, all internally illuminated signs shall bear the Underwriters' Laboratories label or be built to comply with the Underwriters' Laboratories requirements.

### Sec 18-5 (7)

No lighted signs shall be erected within 150 feet of a residential district unless lighting is shielded from view in the direction of the residential district.

# Enhancement Opportunities

## Example Ordinance – Major Freestanding Signs

**Purpose:** To identify a center, complex, occupants, services, products, occupation, district, or institution.

**Size:**

- a. Apartment District: 25 square feet in area, 8 feet in height.
- b. Office, technical office, and industrial districts:
  - a. Sites less than 10 acres: 25 square feet in area, 6 feet in height.
  - b. Ten acres or more: 60 square feet in area, 20 feet in height.
- c. Retail, commercial districts: 25 square feet in area, 8 feet in height.
  - a. Single-use signs: 60 square feet in area, 20 feet in height.
  - b. Multiple-use signs: 80 square feet in area, 20 feet in height.

**Number:**

- a. Apartment District: No more than one freestanding sign per adjacent public street shall be permitted.
- b. Office, technical office, and industrial districts:
  - a. Sites less than 20 acres: one freestanding sign
  - b. Each additional 10 acres over 20: one additional freestanding sign
  - c. No more than one freestanding sign shall be permitted per industrial building per each adjacent public street.
- c. Retail, commercial districts:
  - a. Sites less than 10 acres: one single-use freestanding sign
  - b. Sites more than 10 but less than 15 acres: two single-use freestanding signs or one single-use and one multiple-use freestanding sign.
  - c. Sites more than 15 acres: three single-use freestanding signs, one multiple-use and 2 single-use freestanding signs, or two multiple-use freestanding signs. Only one multiple use freestanding sign may be located per public street frontage.

## Example Ordinance – Major Freestanding Signs

**Location:**

- a. All major freestanding signs must be located on site.
- b. Major freestanding signs must be located a minimum of 30 feet from an adjoining private property line.
- c. Major freestanding signs must be located a minimum of 60 feet from any other sign.
- d. Major freestanding signs must be located a minimum of 100 feet from any single-family residential zoned property.
- e. Lighted signs must be located a minimum of 150 feet from a residential property line.

**Landscaping:**

All major freestanding signs designed to be constructed at an overall height of eight feet or less from ground level shall be landscaped around the base of the sign in an area equal to four square feet for each square foot of sign and base area.

**Design:**

- a. Major freestanding signs shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of area.
- b. All major freestanding signs shall be placed in concrete bases or footings.
- c. Major freestanding signs may be constructed only of materials that are noncombustible or slow-burning in the case of plastic inserts and faces and may be supported by noncombustible material only and finished in a presentable manner; wood or nonpainted steel supports are specifically prohibited.

# Enhancement Opportunities



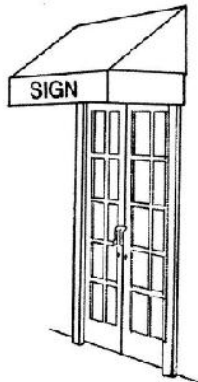
1. Organize regulations by Sign Type
  - Eliminate classification and use district sections
2. **Include new Sign Types currently not addressed by existing ordinance.**

# Enhancement Opportunities

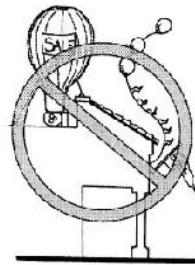
1. Organize regulations by Sign Type
  - Eliminate classification and use district regulations
2. Include new Sign Types currently not addressed by existing ordinance.
3. **Adopt an appendix to include supporting material (pictures, diagrams, etc.)**

# Enhancement Opportunities

## Recommended Enhancements

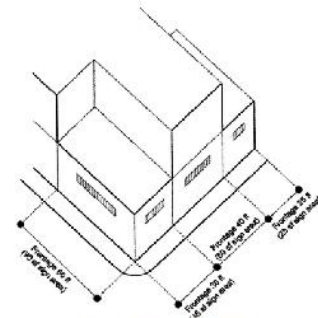
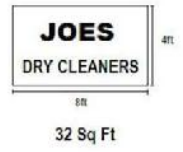
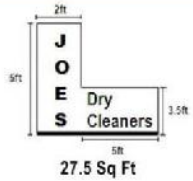
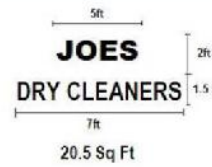


Awning Sign



Windblown Devices

## Recommended Enhancements



Total sign area = Sum of all vertical sign faces of smallest cube encompassing the sign.

# Enhancement Opportunities

1. Organize regulations by Sign Type
  - ❑ Eliminate classification and use district regulations
2. Include new Sign Types currently not addressed by existing ordinance.
3. Adopt an appendix to include supporting material (pictures, diagrams, etc.)
4. **Create a minor modification in addition to the existing variance option**

# Enhancement Opportunities

- ❑ **Minor Modification** – Insignificant differences; meet intent and goals of ordinance
  - ❑ May be approved administratively by Director of Community Services
  
- ❑ **Variance** – Significant changes; unclear if meet intent and goals of ordinance
  - ❑ Must be approved by Sign Control Board of Adjustment

# Project Timeline

- ❑ **December** – City Council directed staff to work with Sign Control Boards on a recommendation
- ❑ **February** – Sign Control Board (SCB) was provided an overview of the assignment as outlined by City Council; Reviewed Article I; Made recommendations
- ❑ **March** – SCB reviewed revisions to existing regulations in Articles III & IV; Made recommendations
- ❑ **April** – SCB reviewed new sign types; Made recommendations
- ❑ **May** – SCB reviewed Article II; Made recommendations; Finalized overall recommendation
- ❑ **May** – Chamber of Commerce Retail Consulting Group briefing



# Articles I & II

## Sign Control Board Recommendations

# General Changes

- Replaced **Chief Building Official** with ***Director of Community Services***
- Replaced **Classification and Use District** with ***Sign Type***
- Replaced **Major Attached Sign** with ***Attached Sign***
- Replaced **Major Freestanding Sign** with ***Pole Sign***
- Replaced **District** with ***Zoning District***

# Article I, Section 18-2. Definitions

- Added definition of:
  - ▣ ***Abandoned Sign***, means a sign that depicts or refers to a product, business, service, activity, condition or occupation which:
    - Has changed in such a manner that the sign no longer properly or appropriately identifies or describes said product, business, service, activity, condition or occupation
    - No longer exists at the location referred to in the sign
    - No longer exists in any way or at any place.

# Examples of Abandoned Signs



# Examples of Abandoned Signs





# Examples of Improvements



# Article I, Section 18-2. Definitions

- Added definition of:
  - **Landscaping** means any plant materials including, but not limited to, live trees, shrubs, groundcovers, grass, flowers, and native landscape materials; also including, but not limited to, inorganic features such as planters, stone, brick, and aggregate forms, water, or other landscape elements approved by the Director of Community Services.

# Article I, Section 18-2. Definitions

- Added definition of:
  - **Logo** means any design, insignia or other marking of a company or product, which is used in advertising to identify the company, business or product.



# Article I, Section 18-2. Definitions

- Added definition of:
  - ▣ **Outdoor Structure**, means anything constructed or erected which requires a permanent location on the ground or which is attached to something having a fixed location on the ground, designed and intended to provide identity, decoration or protection from the elements, including but not limited to supporting walls, canopies, awnings, porte-cocheres, appurtenances or other permitted structures as determined by the Director of Community Services.

# Article I, Section 18-2. Definitions

- Amended definition of:
  - ▣ **Sign** means an outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, name, announcement, insignia, banner, mural, description, logo, illustration, neon tube or other thing that is designed, intended or used to advertise or inform about an activity, place, product, person, organization, business or other legally permitted service.

# Article I, Section 18-2. Definitions

- Amended definition of:
  - **Monument sign** means any sign ~~mounted on a base six feet in height or less, with a maximum area of 35 square feet.~~ which is contiguous to the ground and not elevated above grade by use of poles, struts, or wires and which has no clear space for the full width of the sign between the bottom of the sign and the surface of the ground.
  - A monument sign may include a sign face and sign structure, and may also include a sign base and sign cap.

# Article I, Section 18-2. Definitions

- Deleted definition of:
  - ▣ Canopy
  - ▣ Gross surface area
  
- Separated definition of:
  - ▣ On-premise / Off-Premise sign
    - Sign, On-premise
    - Sign, Off-premise

# Article I, Section 18-5. Prohibited Signs

## □ **Subsection (3)**

- No person shall attach any sign, paper or other material or paint, stencil or write any name, number (except house numbers) or otherwise mark on any sidewalk, curb, gutter, street, tree, tower, utility pole, public building, public fence or public structure for advertising purposes, except such signs as are permitted by this chapter to be placed in the public right-of-way. *Any sign placed on public property may be removed without prior notice.*

# Article I, Section 18-5. Prohibited Signs

## □ Subsection (9)

- Signs attached to or upon any vehicle shall be prohibited where any such vehicle is parked within 20 feet from a street right-of-way on a site.
- *Said vehicle shall be parked completely and wholly in a single designated parking space.*
- Signs attached to a vehicle shall be incidental to the bona fide use for transportation purposes of the vehicle to which the sign is attached.
- If a vehicle displaying a sign is not a bona fide use for transportation purposes, the vehicle shall be deemed to be a ~~freestanding~~ sign and subject to all provisions of this chapter pertaining to ~~freestanding~~ signs.

# Article I, Section 18-5. Prohibited Signs

## □ **Subsection (13)**

- *Signs that are held by or attached to a human being, with the exception of political signs, are prohibited.*
- *A human sign includes a person dressed in costume, both, for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product.*

# Article I, Section 18-6. General Regulations

## □ **Subsection (7)**

- ▣ All illuminated signs shall be subject to the provisions of the electric code of the city as may be amended. In addition, all internally illuminated signs ~~shall bear the Underwriters' Laboratories label or be built to comply with Underwriters' Laboratories requirements~~ *shall be listed by an accredited listing agency and shall be installed in accordance with chapter 600 of the National Electric Code, unless otherwise approved by special permission.*



# Article I, Section 18-6. General Regulations

## □ **Subsection (8)**

- ~~■ A comprehensive sign plan shall be submitted to the chief building official for approval for any site prior to site plan approval by the City Plan Commission.~~

# Article I, Section 18-6. General Regulations

## □ **Subsection (8)**

- Signs for locations granted a special use permit under Article XXII-A of the CZO shall be based on the applicable zoning classification of the use in lieu of the base zoning.
- Retail/commercial sign regulations are restricted to local retail and commercial zoning districts unless more than 50 percent of the building or buildings are used for retail or commercial use. *Office/Technical Office sign regulations are restricted to Office and Technical Office zoning districts unless more than 50 percent of the building or buildings are used for Office or Technical Office use.*

# Article II, Section 18-30. Generally

## □ **Sec. 18-30. Abandoned signs.**

- *Any sign which has been deemed abandoned shall be removed; or have the face replaced with a weatherproof, blank face by the owner, agent or person having the beneficial use of the building, structure or lot upon which such sign is located within one hundred eighty (180) days after the business has abandoned the tenant space.*

# Article II, Section 18-78. Issuance & Term

## □ **Sec.18-78 (2). Generally**

- ▣ *No variance shall be valid for a period longer than two (2) years from the date of the variance approval unless a permit is obtained within such period and the erection or alteration of the sign is started within such period.*

# Article II, Section 18-80. Minor Modification

## □ **Sec.18-80. Generally**

- *In order to provide a method to allow for minor numerical adjustments or consider alternatives for a particular standard of this code, minor modifications may be permitted*
- *Requests for a minor modification pursuant to this ordinance do not constitute a request for a variance and shall not be subject to review by the sign control board.*

# Article II, Section 18-81. Minor Modification

## □ **Sec. 18-81. Applicability**

- ▣ *A minor modification may be approved administratively by the Director of Community Services to the following standards:*
  - *To consider and authorize an adjustment up to 10% of a square foot or height standard set forth in the code.*

# Article II, Section 18-82. Minor Modification

## □ **Sec. 18-82. Approval Criteria**

- *To approve a minor modification, the Director of Community Services must determine that granting the minor modification:*
  - *Is an obvious and needed modification.*
  - *Meets the general goals of the City and is consistent with the purposes and intent of this Chapter.*
  - *Will not materially or adversely affect adjacent land uses or uses in the immediate vicinity of the proposed sign.*

# Next Steps



- Accept City Council feedback and suggestions related to recommendations for Articles I & II; Update as appropriate
- Brief City Council on Article III - Sign Types in mid-June
- Continue to accept feedback and suggestions from the Chamber of Commerce's Retail Consulting Group as we work towards a final draft ordinance
- Schedule joint meeting of City Council and Sign Control Board to discuss guiding principles in light of new regulations



# Chamber of Commerce Retail Consulting Group

- Abandoned Signs
  - Possible cost implications
  
- Temporary Signs
  - Coming Soon, Grand Opening, Additional Opportunities
  
- Minor Modification
  - Appreciate a streamline process for insignificant changes
  
- Pole Signs
  - Very important in retail; often make or break a deal
  - Want to balance aesthetics with cost

# SIGN ORDINANCES RECOMMENDED REVISIONS – ARTICLES I & II

City Council Briefing: June 4, 2012

# Draft – May 30, 2012

## Article I. IN GENERAL

### Sec.18-1. - Short title

This chapter shall hereafter be known and cited as the "Sign Regulations."  
(Code 1966, § 19-1)

### Sec. 18-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandoned Sign*, means a sign that depicts or refers to a product, business, service, activity, condition or occupation which has changed in such a manner that the sign no longer properly or appropriately identifies or describes said product, business, service, activity, condition or occupation; no longer exists at the location referred to in the sign; no longer exists in any way or at any place.

*Alter* means to change the size, shape or outline, copy, nature of message, intent or type of sign.

~~*Building official* or *chief building official*~~ *Director of Community Services* means the officer or person within the city charged with the administration and enforcement of this chapter.

*Bulletin board* means a sign containing information where a portion of such information may be periodically changed, providing that such change shall be effected by the replacement or interchange of letters, numbers, or other graphic symbols by insertion, attachment or similar means. The use of slate, chalkboard, cardboard or similar material with pencil, chalk, crayon or similar types of marking is prohibited.

~~*Canopy* means a roof like structure which extends horizontally more than one foot from the face of a building wall and does not have a structural border.~~

*Copy* means logos, characters, symbols or any other portion of a sign which conveys a message or information.

*Erect* means to build, construct, attach, hang, place suspend or affix, and shall also include the painting of signs on the exterior surface of a building or structure, and also includes the painting or affixing of signs to the exterior or interior surface of windows, and includes signs located interior to a building but readily visible from the exterior.

*Facing or surface* means the surface or surfaces of the sign upon, against or through which the message is displayed or illustrated on the sign.

*Freeway* means any major thoroughfare where right-of-way is 250 feet or greater and so designated by the city master street plan.

~~*Gross surface area of signs* means the entire area within a single continuous perimeter enclosing the extreme limits of each sign. A sign having information on two surfaces shall be considered as a single~~

## Draft – May 30, 2012

~~sign, providing that the surfaces are located back-to-back. A sign having information on three or more surfaces shall be calculated as the sum of all portions and evaluated as a single sign. If two or more signs share a single structure, each sign or panel may be considered separately for square footage purposes, providing that each sign or panel has no relationship to the others, and that the combined area of such signs cannot exceed the total square footage allowed when evaluated as a single sign. For signs so constructed, where related portions are located on separate structures or vehicles, the gross surface area shall be calculated as the sum of all portions and evaluated as a single sign. Supports for Class 5 signs having a large solid appearance shall be calculated as part of the gross surface area of the sign. The gross surface area of Class 5 and Class 6 signs less than six feet in height and used as an element of landscaping will be determined by measurement of a single continuous line enclosing the extreme limits of the sign, providing that such calculation shall not include planter boxes, screening walls, retaining walls and similar improvements.~~

*Illuminated sign* means any sign which has characters, letters, figures, designs or outline illuminated directly or indirectly by electric lights, luminous tubes or other means.

*Landscaping* means any plant materials including, but not limited to, live trees, shrubs, groundcovers, grass, flowers, and native landscape materials; also including, but not limited to, inorganic features such as planters, stone, brick, and aggregate forms, water, or other landscape elements approved by the Director of Community Services.

*Logo* means any design, insignia or other marking of a company or product, which is used in advertising to identify the company, business or product.

*Monument sign* means any sign ~~mounted on a base six feet in height or less, with a maximum area of 35 square feet~~ that is contiguous to the ground and not elevated above grade by use of poles, struts, or wires and which has no clear space for the full width of the sign between the bottom of the sign and the surface of the ground. A monument sign may include a sign face and sign structure, and may also include a sign base and sign cap.

*Noncombustible material* means any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature or shall have a flame spread of 25 or less.

*Outdoor Structure*, means anything constructed or erected which requires a permanent location on the ground or which is attached to something having a fixed location on the ground, designed and intended to provide identity, decoration or protection from the elements, including but not limited to supporting walls, canopies, awnings, porte-cocheres, appurtenances or other permitted structures as determined by the Director of Community Services.

*Projecting structures* means covered structures of a permanent nature which are constructed of approved building material, specifically excluding canvas or fabric material, and where such structures are an integral part of the main building or permanently attached to a main building and do not extend over public property. "Projecting structures" includes marquee, canopy and fixed-awning-type of structures.

## Draft – May 30, 2012

*Roof line* means the height which is defined by the intersection of the roof of the building and the wall of the building; except, for mansard-type roofs, the "roof line" means the top of the lower slope of the roof. Roofs with parapet walls completely around the building and not exceeding four feet in height may be considered as the "roof line" for the purposes of this chapter.

*Sign* means an outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, name, announcement, insignia, banner, mural, description, logo, illustration, neon tube or other thing that is designed, intended or used to advertise or inform about an activity, place, product, person, organization, business or other legally permitted service.

~~"On-premises sign" means a freestanding sign identifying or advertising a business, person or activity, and installed and maintained on the same premises as the business, person or activity. "Off-premises sign" means a sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service or product not principally located or primarily manufactured or sold on the premises on which the sign is located.~~

Sign, on-premises, means a sign identifying or advertising a business, person or activity, and installed and maintained on the same premises as the business, person or activity.

Sign, off-premises, means a sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

*Structural trim* means the molding, battens, cappings, nailing strips, latticing and platforms which are attached to the sign structure.

*Vehicle* means any automobile, truck, camper, tractor, van, trailer or any device capable of being transported and shall be considered a "vehicle" in both moving and stationary modes, irrespective of state or repair or condition.

(Code 1966, § 19-2; Ord. No. 3040-A, § 1, 8-28-95)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

### **Sec. 18-3. - Responsibility for violation.**

The owner of the sign, the owner of the land or structure, or the person in charge of erecting, altering, replacing, relocating or repairing the sign or structure are all subject to the provisions of this chapter and, therefore, subject to the penalty provided for the violation of this chapter.

(Code 1966, § 19-12)

# Draft – May 30, 2012

## Sec. 18-4. - Penalties.

Any person violating any provision of this chapter shall be punished as provided in section 1-8.

(Code 1966, § 19-13)

## Sec. 18-5. - Prohibited signs.

It shall be unlawful for any person to erect, cause to have erected, or allow to remain erected any sign or condition prohibited in this section and shall remove such sign or correct such condition immediately upon notice by the building official:

- (1) It shall be unlawful for any person to display or advertise upon any sign any obscene, indecent or immoral matter.
- (2) No person shall erect, maintain or permit the erection of any balloon or other floating device anchored to the ground or to any structure, except as allowed by other provisions of this chapter.
- (3) No person shall attach any sign, paper or other material or paint, stencil or write any name, number (except house numbers) or otherwise mark on any sidewalk, curb, gutter, street, tree, tower, utility pole, public building, public fence or public structure for advertising purposes, except such signs as are permitted by this chapter to be placed in the public right-of-way. **Any sign placed on public property may be removed without prior notice.**
- (4) No sign located internal or external to a building or vehicle shall be illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance. Moving, flashing, animated, intermittently lighted, changing color, beacons, revolving or similarly constructed signs shall not be allowed **except where permissible in this chapter.** Jump clocks or digital display devices showing time, temperature or any printed message may be allowed only by a special permit of the sign control board.
- (5) No person shall place on or suspend from the exterior of any building, pole, structure, projecting structure, parkway, driveway or parking area any goods, wares, merchandise or other advertising object or structure for the purpose of advertising such items, other than a sign as defined, regulated and prescribed by this chapter except as otherwise allowed by ordinance controlling the outside storage and display of goods, wares or merchandise.
- (6) No cloth, paper, banner, flag, device or other similar advertising matter shall be permitted to be attached, suspended from or allowed to hang loose from any sign, building or structure, except as allowed by other provisions of this chapter.
- (7) No lighted sign shall be erected within 150 feet of a residential property line unless lighting is shielded from view in the direction of the residential district. Signs erected at a public school that are regulated by an automated timer that limits the period of illumination from 6 a.m. to 10 p.m. shall be permitted to be erected 50 feet or more from a residential property line.
- (8) No signs attached to a trailer, skid or similar mobile structure, where the primary use of such structure is for sign purposes, will be permitted. This provision does not restrict the identification signing on vehicles used for delivery service, interstate commerce or any bona fide transportation activity.

## Draft – May 30, 2012

- (9) Signs attached to or upon any vehicle shall be prohibited where any such vehicle is parked within 20 feet from a street right-of-way on a site. **Said vehicle shall be parked completely and wholly in a single designated parking space.** Signs attached to a vehicle shall be incidental to the bona fide use, for transportation purposes, of the vehicle to which the sign is attached. If a vehicle displaying a sign is not a bona fide use for transportation purposes, the vehicle shall be deemed to be a ~~freestanding~~ sign and subject to all provisions of this chapter pertaining to ~~freestanding~~ signs. It shall be a rebuttable presumption that a vehicular sign is not a bona fide use for transportation if the vehicle is stopped, parked, or allowed to remain at the same location within the site for any period exceeding 24 hours or contains arrows, directional information or promotional advertising relating to the business.
- (10) A-frame signs and sandwich-board signs are prohibited. Similar types of portable signs are prohibited except where specifically permitted in article III of this chapter. ~~as a minor sign.~~
- (11) No person shall erect, maintain or permit the erection of portable lighting displays including, but not limited to, laser lights and displays and searchlights.
- (12) A canopy may not be illuminated in a manner to allow the transmission of light through the canopy material unless allowed by a special permit of the sign control board.
- (13) Signs that are held by or attached to a human being, with the exception of political signs, are prohibited. A human sign includes a person dressed in costume, both, for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product.**

(Code 1966, § 19-5; Ord. No. 3040-A, § 2, 8-28-95; Ord. No. 3282-A, § 1, 3-27-00; Ord. No. 3385-A, § 1, 4-22-02)

### **Sec. 18-6. - General regulations.**

All signs ~~types in all classification and use districts,~~ where permitted, shall conform to the general regulations listed in this chapter:

- (1) No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape except signs relating directly to such.
- (2) Traffic or other municipal signs, legal notices, railroad crossing signs, danger and such emergency, temporary signs are not subject to the provisions of this chapter.
- (3) In order to obtain and secure reasonable traffic safety, it shall be unlawful for any person to erect or maintain any fluttering, undulating, swinging, rotating or otherwise moving sign or any flashing sign. No sign shall be erected or maintained in such a manner as to obstruct free and clear vision; or at any location where, by reason of position, shape, color, degree, manner or intensity of illumination, it may interfere with vehicular or pedestrian traffic. Pursuant to the foregoing, no sign shall be erected or maintained in such manner as to be likely to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. Accordingly, no sign shall make use of the words "stop," "go," "look," "slow," "danger" or any other similar word, phrase, symbol or character,

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or employ any red, yellow, orange, green or other colored lamp or light in such a manner as to interfere with, mislead or confuse traffic, whether located exterior or interior to a building or structure.

- (4) All signs which are constructed on street lines, or within five feet thereof, shall have a smooth surface and no nails, tacks or wires shall be permitted to protrude therefrom, except electrical reflectors and devices which may extend over the top and in front of the advertising structures, where subject to reach of pedestrian traffic.
- (5) Gooseneck reflectors and lights shall be permitted on ground signs, roof signs and wall signs; providing, however, the reflectors shall be provided with proper glass lenses when necessary to concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.
- (6) The permittee or owner of any sign shall maintain all parts and supports of such sign in good condition to prevent deterioration, oxidation, rust, paint peeling and other unsightly conditions.
- (7) All illuminated signs shall be subject to the provisions of the electric code of the city as may be amended. In addition, all internally illuminated signs ~~shall bear the Underwriters' Laboratories label or be built to comply with Underwriters' Laboratories requirements~~ **shall be listed by an accredited listing agency and shall be installed in accordance with chapter 600 of the National Electric Code, unless otherwise approved by special permission.**
- ~~(8) A comprehensive sign plan shall be submitted to the chief building official for approval for any site prior to site plan approval by the City Plan Commission.~~
- (8) Signs for locations granted a special use permit under article XXII-A of the zoning ordinance of the city [appendix A to this Code] shall be based on the applicable zoning classification of the use in lieu of the base zoning. Example: A tract of land has a zoning of O-M and has been rezoned as O-M with a special permit for an industrial use. Signing shall be based on I-M(1) zoning unless otherwise specified in the special use ordinance. Retail/commercial sign regulations are restricted to local retail and commercial zoning districts unless more than 50 percent of the building or buildings are used for retail or commercial use. **Office/Technical Office sign regulations are restricted to Office and Technical Office zoning districts unless more than 50 percent of the building or buildings are used for Office or Technical Office use.**

**Secs. 18-7—18-25. – Reserved**

### **ARTICLE II. ADMINISTRATION AND ENFORCEMENT**

#### **DIVISION 1. GENERALLY**

##### **Sec. 18-26. Nonconforming existing signs.**

A sign that, having been permitted to remain in place as a nonconforming use under the provisions of this chapter, is blown down or otherwise destroyed or dismantled for any purpose, other than maintenance operations or for changing the letters, symbols or other matter on the sign, shall not be repaired, rebuilt or reconstructed. For purposes of this section, a sign or a substantial part of a sign is



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considered to have been destroyed only if the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location.

(Code 1966, § 19-8)

### Sec. 18-27. Variance fees and notification.

An application for a variation to the conditions of this chapter shall be accompanied by a variance application fee set in accordance with a resolution of the city council enacted from time to time for this purpose. Such application for a variance may cover more than one sign, but shall apply to one applicant and one location. The notification for a variance application must appear in the official newspaper of the city at least seven days prior to the date on which the request is heard by the sign control board. The variation application must contain the following information:

- (1) Name, address and telephone number of the applicant.
- (2) Location of building, structure or lot to which or upon which the sign is to be attached or erected.
- (3) Position of the sign in relation to nearby buildings or structures, including other signs.
- ~~(4) The zoning classification of the property on which the sign is to be located, and the zoning classification of all property within 250 feet of the sign location.~~
- (5) The specific variation requested and the reasons and justification for such requests.
- (6) **An electronic copy of sign specifications and site plans** or eleven **paper** copies of the **signage sign specifications** and site plans shall be required.

(Code 1966, § 19-10)

### Sec. 18-28. Inspection.

The ~~building official~~ **Director of Community Services or designee** shall inspect annually, or at such other times as he deems necessary, each sign regulated by this chapter for the purpose of ascertaining whether the same is secure or insecure, whether it still serves a useful purpose and whether it is in need of removal or repair.

(Code 1966, § 19-11)

### Sec. 18-29. Exempt signs.

A political sign that has an effective area of 36 feet or less, is not more than eight feet in height and which is not illuminated, or have any moving parts, other than a sign including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political, is exempt from the provisions of chapter

18.

(Ord. No. 3452, § 1, 2-23-04)

### Sec. 18-30. Abandoned signs.

**Any sign which has been deemed abandoned shall be removed; or have the face replaced with a weatherproof, blank face by the owner, agent or person having the beneficial use of the building, structure or lot upon which such sign is located within one hundred eighty (180) days after the business has abandoned the tenant space.**

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Secs. 18-~~30~~<sup>31</sup>--18-45. Reserved.

## **DIVISION 2. SIGN CONTROL BOARD \***

**\*Charter references:** Boards, commissions, etc., § 9.01 et seq.

**Cross references:** Boards, commissions, etc., § 2-86 et seq.

### **Sec. 18-46. Creation, composition.**

There is hereby established a sign control board consisting of five members and two alternate members appointed by the city council. Members and alternates may participate, except that only members will vote. In the event of a member's absence, the alternate will fulfill those duties.  
(Code 1966, § 19-9(a))

### **Sec. 18-47. Qualification of members.**

Members of the sign control board shall be owners of record of real property in the city.  
(Code 1966, § 19-9(b))

### **Sec. 18-48. Terms of members.**

Members of the sign control board shall be appointed for a period of two years. In the event of a vacancy, the city council shall appoint a member to serve the unexpired term. In the event a replacement or reappointment has not been made at the end of a member's designated term, such member will continue to serve until reappointed or replaced.  
(Code 1966, § 19-9(c))

### **Sec. 18-49. Compensation.**

Members of the sign control board shall serve without compensation.  
(Code 1966, § 19-9(d))

### **Sec. 18-50. Officers.**

The city council shall designate the following sign control board officers and their term as an officer shall run concurrent with their term of appointment to the board.

- (1) Chairman. The chairman shall preside at all meetings where he is present. The chairman shall implement or cause to have implemented any practice or procedure in the calling of meetings, conduct of meetings or reporting of activities that he considers in the best interest of the board and shall so inform the city council or consult with the city council when requested and at such times when it appears necessary or desirable.
- (2) Vice-chairman. The vice-chairman shall assist the chairman in directing the total affairs of the board. In the absence of the chairman, the vice-chairman shall assume all duties of the chairman.  
(Code 1966, § 19-9(e))

### **Sec. 18-51. Temporary chairman; quorum.**

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In the event of the absence of the chairman and vice-chairman of the sign control board, the three members constituting the quorum shall elect, for that meeting, a member to preside as acting chairman and assume all duties of the chairman. All motions shall be decided by a simple majority of the members present. A tie vote shall constitute failure of the motion.

(Code 1966, § 19-9(f))

### **Sec. 18-52. Meetings.**

The sign control board shall establish one stated meeting per month and shall call special meetings as required to conduct its duties. All stated meetings shall be open to the public. The board shall establish the date, time and place of the meetings.

(Code 1966, § 19-9(g))

### **Sec. 18-53. Records.**

All proceedings of the sign control board shall be recorded in minutes of meetings and such minutes shall be approved and made a matter of public record.

(Code 1966, § 19-9(h))

### **Sec. 18-54. Powers, duties.**

The sign control board shall have the following powers and perform the following duties:

- (1) The city council authorizes the sign control board to sit as a board of appeals in public hearings for purposes of this chapter. In considering the requests for variation to requirements of this chapter, the sign control board shall consider, but not be limited to, the degree of variance, the reasons for variance requested, the location of variance request, the duration of the requested variance, the effect on public safety, protection of neighborhood property, the degree of hardship or injustice involved, and the effect of the variance on the general plan for signing within the city. The sign control board shall grant the variance requested, grant a variance of a greater or lesser nature than requested, or deny a variance request.
- (2) All action on variance requests shall be submitted to the city council for review and such decisions of the board shall become final unless reversed or modified by the city council **no later than** at the second city council meeting following the sign control board meeting at which formal action was taken by the board. In reviewing the action of the board, or variance requests, the council shall consider the records made at the hearing before the sign control board.
- (3) The sign control board shall conduct continuing studies of sign ordinances in neighboring municipalities as well as other cities where such study will assist in upgrading the function of signing within the city and make recommendations to the city council where appropriate.
- (4) The sign control board will conduct a continual review of all nonconforming signs and all variances granted and determine their desirability and effects upon the neighborhood and city and make recommendations to the city council where appropriate.
- (5) The sign control board will evaluate new signing techniques as such are developed and recommend to the city council their benefits or disadvantages in the city.
- (6) The sign control board may discuss the planning of signing in new or existing developments upon request of the developer.

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- (7) The sign control board shall conduct studies, prepare opinions and general plans as requested by the city council.
- (8) The sign control board shall perform any duties specified elsewhere in this chapter.
- (9) The sign control board may, from time to time, recommend to the city council amendments or changes to this chapter.

(Code 1966, § 19-9(i))

Secs. 18-55--18-75. Reserved.

### DIVISION 3. SIGN PERMIT

#### Sec. 18-76. Required.

- (a1) Erect, alter, replace or relocate. **For those signs that require a permit**, it shall be unlawful for any person to erect, alter or relocate within the city any permissible sign, ~~other than Class 1, Class 2 or Class 3 signs~~, without first obtaining a sign permit from the ~~building official~~ **Director of Community Services or designee** and making payment of the fee required. The permit may cover more than one sign, but shall apply to only one applicant and one location.
- (b2) Repair. It shall be unlawful for any person to repair any sign requiring a permit when the value of such work exceeds \$200.00 without first obtaining a repair permit from the ~~building official~~ **Director of Community Services or designee** and making payment of the fee required.

(Code 1966, § 19-7(a), (b))

#### Sec. 18-77. Application.

- (a1) Erect, alter, replace or relocate. Applications for permits to erect, alter, replace or relocate a sign shall contain or have attached thereto the following information:
  - (1) **a.** Name, address and telephone number of the applicant.
  - (2) **b.** Location of building, structure or lot to which or upon which the sign is to be attached or erected.
  - (3) **c** Position of the sign in relation to nearby buildings or structures, including other signs.
  - (4) **d.** Two blueprint or ink drawings of the plans and specifications are required, including electrical wiring, construction, type of materials, method of attachment to building or structure and foundation for freestanding signs.
  - (5) **e.** Copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the city. The designing engineer for a ~~class 5~~ **pole or monument sign** shall seal his design calculations and stress sheets.
  - (6) **f.** Name and address of the person erecting the sign.
  - (7) **g.** ~~The zoning classification of the property on which the sign is to be or is located, and the zoning classification of all property within 100 feet of locations for Class 5 signs.~~
  - (8) **h.** Such other information as the ~~building official~~ **Director of Community Services or designee** shall require to show full compliance with this and all other laws and ordinances of the city.
- (b2) Repair. Application for sign repair permits shall contain or have attached thereto the following information:
  - (1) **a.** Name, address, and telephone number of the sign owner.
  - (2) **b.** Name, address and telephone number of the person providing the repair service.

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(3) c. Location of building, structure or lot upon which sign is located.

(4) d. Description of the repair activity to be performed.

(5) e. Such other information as the ~~building official~~ **Director of Community Services or designee** shall require to show full compliance with this and all other laws and ordinances of the city.

(e3) Internally illuminated signs. **Electric signs, sign sections, and outline lighting shall be listed by an accredited listing agency and shall be installed in accordance with chapter 600 of the National Electric Code, unless otherwise approved by special permission.** The electrical inspector may examine the plans and specifications submitted with the sign application and disapprove the application if it does not comply with the electrical code of the city. ~~Prior to issuance of a sign permit for a sign in which electrical wiring and connections are to be used, the electrical inspector shall examine the plans and specifications submitted with the application to ensure the compliance with the electrical code of the city and with the requirements of the Underwriters' Laboratories. The electrical inspector shall may approve the application if it meets these requirements and disapprove it if it does not. Approval of such an application by the electrical inspector is required before the building official may issue a sign permit. An electrical permit is also required.~~

(Code 1966, § 19-7(a)--(c))

### Sec. 18-78. Issuance and term.

(1) It shall be the duty of the ~~building official~~ **Director of Community Services or designee**, upon the filing of an application for a sign permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect or repair the sign, and if it shall appear that the proposed structure is in compliance with all the requirements of this chapter, the building code and all other laws and ordinances of the city, he shall then issue the sign permit. If the work authorized under a sign permit has not been completed within six months after date of issuance, the permit shall become null and void.

(2) **No variance shall be valid for a period longer than two (2) years from the date of the variance approval unless a permit is obtained within such period and the erection or alteration of the sign is started within such period.**

(Code 1966, § 19-7(f))

### Sec. 18-79. Fees.

Fees for the issuance of a sign permit shall be determined from time to time by appropriate resolution of the city council.

(Code 1966, § 19-7(g))

## DIVISION 4: MINOR MODIFICATION

### Sec.18-80. Generally

**In order to provide a method to allow for minor numerical adjustments or consider alternatives for a particular standard of this code, minor modifications may be permitted. Requests for a minor modification pursuant to this ordinance do not constitute a request for a variance and shall not be subject to review by the sign control board.**

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## **Sec. 18-81. Applicability**

A minor modification may be approved administratively by the Director of Community Services to the following standards:

- (1) To consider and authorize an adjustment of up to 10% of a square foot or height standard set forth in the code.

## **Sec. 18-82. Approval Criteria**

To approve a minor variance, the Director of Community Services must determine that the following criteria are met:

- (1) Is an obvious and needed modification.
- (2) Meets the general goals of the City and is consistent with the purposes and intent of this Chapter.
- (3) Will not materially or adversely affect adjacent land uses or uses in the immediate vicinity of the proposed sign.

~~Secs. 18-80--18-95. Reserved.~~

Secs. 18-83--18-95. Reserved.