

ORDINANCE NO. 601

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING MANOR CODE OF ORDINANCES CHAPTER 15 SITE DEVELOPMENT BY PROVIDING FOR THE AMENDMENT OF OFF-STREET PARKING REQUIREMENTS; LANDSCAPING AND SCREENING DEFINITIONS; FENCE AND WALL STANDARDS; SIGN DEFINITIONS; PROHIBITED SIGNS; ON-SITE SIGNS; ILLUMINATED SIGNS; OUTDOOR LIGHTING REQUIREMENTS; PROVIDING SEVERABILITY, SAVINGS CLAUSE, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Manor City Council (the “City Council”) passed and approved Ordinance 571, a comprehensive Site Development Ordinance on February 19, 2020, to create consistency across various of chapters, articles, and sections of the City’s Code of Ordinances, and;

WHEREAS, various sections needed updating, revising, or additions to clarify intent as well as improving construction standards, and;

WHEREAS, the City Council requested modification to the City’s sign code in response to the COVID-19 pandemic;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

SECTION 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

SECTION 2. Amendment of the Code of Ordinances. The City Council hereby amends Chapter 15, Site Development of the Manor Code of Ordinances (the “Site Development Ordinance”) to amend the off-street parking requirements, landscaping and screening definitions, fence and wall standards, sign definitions, prohibited signs, illuminated signs, and outdoor lighting requirements as provided for in Sections 3. through 10. of this Ordinance.

SECTION 3. Amendment of Section 15.02.004a(11) Off-Street Parking Requirements. Section 15.02.004a(11) of the Site Development Ordinance is hereby amended to read as follows:

(11) Reserved.

SECTION 4. Amendment of Section 15.03.002 Definitions. Section 15.03.002 of the Site Development Ordinance is hereby amended to repeal and replace the definition for “Privacy Fence” to read as follows:

“*Privacy fence* means a construction which is designed for screening or enclosing and constructed of wood, wrought iron, masonry or a combination thereof at least six feet in height. Fences placed in or over any easement or right-of-way shall be considered a structure.”

SECTION 5. Amendment of Section 15.03.022 Fence and Wall Standards. Section 15.03.022 of the Site Development Ordinance is hereby amended as follows:

(a) Section 15.03.002(3) is hereby amended in its entirety to read as follow:

“(3) Fences and walls shall be constructed of high quality materials, such as brick, stone, masonry fencing, stained cedar wood, and wrought iron. The table specifies which types are permitted and prohibited based on the land use:

Use	Fencing Materials			
	Wood	Chain Link	Wrought Iron	Masonry Product
Single Family Detached (A)	Permitted	Prohibited	Permitted	Permitted
Single Family Attached (B)	Permitted (C)	Prohibited	Permitted	Permitted
Multi-Family	Permitted with Exceptions (D)	Prohibited	Permitted	Permitted
Commercial	Permitted with Exceptions (D)	Prohibited	Permitted	Permitted
Institutional	Permitted with Exceptions (D)	Prohibited	Permitted	Permitted
Industrial	Prohibited	Permitted when not visible from, and setback 100 feet from, a public right-of-way	Permitted	Permitted

(b) Section 15.03.002 is hereby amended to add subsections (8) through (18) as follows:

“(8) All fences, including but not limited to wood, wrought-iron, and ornamental fencing, shall be continuous flat-topped without spikes or sharp points, including barbed wire. Security fencing for hazardous facilities or similar uses where access must be restricted due to dangers present on the property shall be considered on a case-by-case basis by the Building Official.

(9) Fences and walls must be maintained in a safe manner, plumb (vertical) to the ground. Fences or walls no longer maintained in a safe manner through neglect, lack of repair, manner of construction, method of placement, or otherwise must be repaired, replaced, or demolished.

(10) All fence footings shall be placed into virgin soil or solid bearing and shall be a minimum twenty-four (24) inches in depth.

(11) Fences shall not impede drainage.

(12) Fence height shall be measured from ground level on the higher side of the fence or wall.

(13) For all fences, the finished "face" side of the fence (opposite the structural supports) shall face all public streets and public parkland.

(14) Fences for nonresidential uses shall provide the finished "face" side of the fence to abutting residential uses.

(15) Products manufactured for other uses and not originally intended to be permanent fencing are prohibited. Some examples of prohibited material include but are not limited to: Plywood, paper, plastic, fiberglass panels, chicken wire, fabric, or sheet, roll or corrugated metals.

(16) Masonry supporting structures shall be constructed of rock, brick or stucco and shall be a minimum of fourteen (14) inches by fourteen (14) inches and shall be at least as high as the approved fence height, but will not exceed the approved fence height by more than six (6) inches.

(17) Masonry supporting structures shall be placed on steel reinforced concrete footings. Such footing shall be placed into virgin soil or solid bearing and shall be at least two (2) inches larger on all sides of the masonry structure and a minimum of twenty-four (24) inches in depth.

(18) Plans for masonry walls, or any portion thereof, four (4) feet or greater in height shall be signed and sealed by a registered professional engineer or architect. Masonry walls are measured from the base of the footing to the top of the wall. Dry stack walls are measured from the grade under the lowest layer to the top of the wall."

SECTION 6. Amendment of Section 15.04.006 Definitions. Section 15.04.006 of the Site Development Ordinance is hereby amended as follows:

- (a) The definition for “Light Trespass” is hereby added in alphabetical order to read as follows:
- “*Light trespass* means is spill light falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.”
- (b) The definition for “Sign, Cabinet” is hereby added in alphabetical order to read as follows:
- “*Sign, cabinet* means a sign which is typically internally lit and contains all its components and items of information within a single enclosure and whose perimeter is not shaped to the content of the sign and where the sign face is differentiated from the structure against or within which a sign face is placed. An internally lit backer board shall be considered a cabinet. Logos, pan-faced signs, raceways, taglines shall be exempt from this definition.”
- (c) The definition for “Sign, Obscene” is hereby added in alphabetical order to read as follows:
- “*Sign, obscene* means a sign displaying matter which taken as a whole appeals to the prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.”
- (d) The definition for “Sign, Portable” is hereby amended in its entirety to read as follows:
- “*Sign, portable* means any sign without a permanent foundation, or otherwise permanently attached to a fixed location, that can be carried, towed, hauled, or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability. This definition excludes Sandwich Board signs.”
- (e) The definition for “Sign, Sandwich” is hereby added in alphabetical order to read as follows:
- “*Sign, sandwich board* means a moveable, portable, pedestrian-oriented, temporary sign that is supported by its own frame, and that is not secured or attached to the ground or surface upon which it is located. Sometimes referred to as A-frame signs or sidewalk signs. This definition also includes T-frame signs.”

SECTION 7. Amendment of Section 15.04.016(b) Prohibited Signs. Section 15.04.016(b) of the Site Development Ordinance is hereby amended as follows:

- (a) Section 15.04.016(b)(2) is hereby amended in its entirety to read as follows:

“(2) Portable signs, excluding Sandwich Boards.”

- (b) Section 15.04.016(b)(3) is hereby amended in its entirety to read as follows:

“(3) Changeable electronic variable message signs (CEVMS), digital signs, and light emitting diode (LED), collectively “electronic signs”, are prohibited, except as authorized by Section 15.04.018(15).”

- (c) Section 15.04.016(b) is hereby amended to add subsections (13) and (14) to read as follows:

“(13) Obscene signs.

(14) The following elements of a sign or sign structure, whether temporary or permanent, including:

(A) Sound, smoke, or odor emitters;

(B) Stacked products along roadway frontage; or

(C) Unfinished wood support structures, except that temporary signs may use unfinished stakes.”

SECTION 8. Amendment of Section 15.04.018 On-Site Signs. Section 15.04.018 of the Site Development Ordinance is hereby amended as follows:

- (a) Section 15.04.018(1)(A) is hereby amended in its entirety to read as follows:

“(A) Illuminated signs shall comply with Section 15.04.020 and article 15.05, as applicable.”

- (b) Section 15.04.018(1)(C) is hereby amended in its entirety to read as follows:

“(C) Changeable electronic variable message signs (CEVMS), digital signs, and light emitting diode (LED) signs are prohibited, unless authorized under Section 15.04.018(15).”

- (c) Section 15.04.018(2)(A)(i) is hereby amended in its entirety to read as follows:

“(i) Illuminated signs shall comply with Section 15.04.020 and article 15.05, as applicable.

- (d) Section 15.04.018(2)(A)(ii) is hereby amended in its entirety to read as follows:

“(ii) Changeable electronic variable message signs (CEVMS), digital signs, and light emitting diode (LED) signs are prohibited, unless authorized under Section 15.04.018(15).”

(e) Section 15.04.018(3)(C) is hereby amended in its entirety to read as follows:

“(C) Changeable electronic variable message signs (CEVMS), digital signs, and light emitting diode (LED) signs are prohibited, unless authorized under Section 15.04.018(15).”

(f) Section 15.04.018(3)(I) is hereby amended in its entirety to read as follows:

“(I) Illuminated signs shall comply with Section 15.04.020 and article 15.05, as applicable.”

(g) Section 15.04.018(9)(B) is amended in its entirety to read as follows:

“(B) A non-commercial sign shall not be lighted or have any moving elements.”

(h) Section 15.04.018(9) is hereby amended to add subsections (F), (G), and (H) as follows:

“(F) One additional temporary sign, which may be a pole sign, wall sign, or monument sign, may be located on a property without a permit when the owner consents to the placement of the sign and that entire property is for sale or lease or if an individual unit or units is for sale or lease. This subsection does not affect the content of the sign allowed under this subsection.

(i) Entire Property: One additional sign, not exceeding sixty-four (64) square feet in sign area, while the entire property or property is for sale or lease. A sign posted under this section must be removed within ten (10) days following when a contract of sale has been executed or a rental agreement has been executed. This sign shall be placed at least thirty (30) feet from any public right of way.

(ii) Individual Unit(s): One additional sign, not exceeding sixteen (16) square feet in sign area, where an individual unit or units is being offered for sale or lease. A sign posted under this section must be removed within ten (10) days following when a contract of sale has been executed or a rental agreement has been executed. This sign shall be placed at least thirty (30) feet from any public right of way.

(G) Sandwich boards.

(i) Non-commercial zoned properties or uses shall be permitted one sandwich board.

(ii) Sandwich boards shall have a maximum width of 30 inches and a maximum height of 48 inches.

(iii) Sandwich boards shall be freestanding and shall not be affixed, chained, anchored, or otherwise secured to the ground or other structure. The sign shall be internally weighted so that it is stable, self-supporting and windproof.

(iv) The sandwich board shall be displayed only during the hours of operation of the business.

(v) Sandwich boards shall not be a cabinet sign.

(vi) Changeable copy on a sandwich board shall not consist of individual plastic or vinyl letters on tracks.

(vii) Sandwich boards shall not have additional signs taped or attached to the top or base sign.

(viii) The following standards shall be followed when determining the placement of sandwich boards:

a. Signs shall be placed in such a manner that they do not interfere with pedestrian traffic, wheelchair ramps, or otherwise cause a safety hazard. Placement on a sidewalk or other improved surface is required, when available;

b. When placed on a public sidewalk or sidewalk required for ADA accessibility, ensure that there is a minimum of 48 inches of clear sidewalk;

c. Signs shall be placed in such a manner that they do not obscure or interfere with the function of windows or doors;

d. Signs shall not be located within five feet of the corner of a building that is at the intersection of two public streets;

e. Signs shall only be permitted in the city's right-of-way on sites where there is 10 feet or fewer between a building's front façade and the property line, and a license agreement authorized to be executed by the city manager shall be required.

(H) Window signs that do not cover more than 30 percent of the window in which they are placed.”

- (i) Section 15.04.018(11)(A) is hereby amended in its entirety to read as follows:

“(A) The coordinated sign plan shall be reviewed and approved in writing by the planning and zoning commission. There may be one freestanding high-profile sign located at each entrance to the development. Multi-tenant freestanding signs may only be allowed along the frontages of the north and south sides of Hwy. 290 and on the east and west sides North FM 973 from Hwy. 290 to Old Hwy. 20 in C-1, C-2, C-3, and commercially designated areas within PUD zoned districts. Freestanding signs approved by the planning and zoning commission shall not exceed 35 feet in height from finished grade and the lowest portion of the structure or sign, excluding poles, may not be below eight feet from finished grade. It shall be located above a sign foundation with landscaping, or architectural facet incorporating some design elements found in the overall development. No sign with a moving display such as video or changing graphics displaying the name, service, or product to be sold at the location shall be allowed. Changeable electronic variable message signs (CEVMS), digital signs, and light emitting diode (LED) signs are prohibited, unless authorized under Section 15.04.018(15).”

- (j) Section 15.04.018(12)(A) is hereby amended in its entirety to read as follows:

“(A) There may be one freestanding low-profile sign located at each entrance to the development. Low profile signs approved by the planning and zoning commission shall not exceed 25 feet in height from finished grade nor be located in manner that will obstruct clear view for entering or exiting a property by a motor vehicle. No sign with a moving display such as video or changing graphics displaying the name, service, or product to be sold at the location shall be allowed. Changeable electronic variable message signs (CEVMS), digital signs, and light emitting diode (LED) signs are prohibited, unless authorized under Section 15.04.018(15).”

- (k) Section 15.04.018(15) is hereby amended in its entirety to read as follows:

“(15) *Changeable Electronic Variable Message Signs (CEVMS), Digital Signs, and Light Emitting Diode (LED) Signs.* Electronic signs may be authorized by entering into a development agreement authorized to be executed by the city manager. For existing properties with non-conforming outdoor lighting all lighting must be brought into conformance and maintained in compliance with Article 15.05 Outdoor Lighting, as amended. For new developments, the property must be

developed and maintained in compliance with Article 15.05 Outdoor Lighting, as amended. Electronic signs shall also meet the requirements set forth in this subsection and Chapter as applicable.

(A) Generally

(i) Electronic signs may be used as part of freestanding high- or low-profile signs or on automobile-oriented canopies. Electronic signs can only be authorized on non-residential properties with frontages along US Highway 290 East and North FM 973 extending north of Old Highway 20.

(ii) No sign structure that includes changeable copy may also include an electronic sign

(B) Design Requirements

(i) Measurement. Size calculation is based on the total sign face dimensions, whereby the electronic sign reader panel is counted against the total allowable sign area as provided in Sections 15.04.018(1-3).

(ii) Illumination. All electronic signs that are directly illuminated shall include a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the footcandle requirement. In areas zoned for any type of residential district or use, a trespass limit of 0.1 footcandles shall be enforced at the property line. In areas zoned for any type of non-residential or use, a trespass limit of 0.3 footcandles shall be enforced at the property line.

(iii) Spacing. Electronic signs shall have a minimum spacing of:

a. At least 100 feet between the electronic sign and the property line of any residential use or district and shall shut off between the hours of 12:00 a.m. and 5:00 a.m. The distance is calculated as the shortest measurable distance between the nearest point of the sign to the edge of the residential property line or district, or to the property line of an institutional use.

b. At least 200 feet between any two (2) electronic signs on separate properties.

(iv) Percentage of sign area. Electronic signs, including their frames, shall comprise no more than fifty percent (50%) of the sign area of a high- or low-profile sign and a maximum of 12 square feet on an automobile-

oriented canopy. The balance of the sign area shall use permanent, dimensional letters or symbols.

(v) Framing. Electronic signs are required to have a minimum six (6) inch enclosure. For low-profile signs the sign base counts in calculation of the framing requirement.

(vi) Minimum display time. Each static message on the sign must be displayed for a minimum of sixty (60) seconds duration. Message changes shall be completed within one (1) second.

(vii) Digital copy. Electronic signs shall contain static messages only and shall not have movement or the appearance or optical illusion of movement during the static display period of any part of the sign. Each static message shall not include any flashing or the varying of light intensity, and the message shall not scroll.

(viii) Safety. An electronic sign must:

a. Include systems and monitoring to either turn the display off or show “full black” on the display and freeze the sign in one (1) position at the maximum illumination provided in this section in the event of a malfunction.

b. Be designed so that if a catastrophic power surge occurs, the sign will go dark or will have maximum brightness limitations in place; and

c. Contain a default mechanism that freezes the sign in one (1) position if a malfunction occurs.

d. Have displays that are not configured to resemble a warning or danger signal or to cause a driver to mistake the electronic sign for a warning or danger signal.”

(l) Section 15.04.018 is hereby amended to add subsections (16) and (17) as follows:

“(16) *Changeable letter signs.*

(A) Illumination. Manual changeable copy signs shall not be internally illuminated unless:

(i) They use opaque inserts with translucent letters, numbers, or symbols;

(ii) Blank or dark opaque inserts that are the same color as the opaque portions of the letters, numbers, and symbols are used over all areas of the sign where copy is not present; and

(iii) The opaque portion of the letters, numbers, and symbols is the same color.

(B) Lettering. Lettering of changeable copy signs shall be of a single style and shall be of uniform color and size.

(C) Size. Manual changeable copy signs, including their frames, may comprise up to fifty percent (50%) of the sign area of a freestanding high- or low-profile sign. The balance of the sign area shall use permanently affixed letters or symbols.

(D) Integral element. Manual changeable copy signs are only permitted as an integral element of a monument or canopy sign, which encloses the changeable copy area on all sides with a finish of brick, stone, stucco, powder coated (or comparably finished) metal, or the surface of the sign face.

(E) Enclosure. The enclosure shall extend at least six (6) inches from the changeable copy area in all directions. Gaps between the changeable copy area and the surround are permitted to accommodate locks and hinges for a cover for the changeable copy area, but only to the extent necessary for such locks and hinges to operate.

(17) *Construction standards.*

(A) All on-site 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 loads as required in the Building Code of the city.

(B) All signs and their locations shall comply with the provisions of the City's adopted Building and Electrical Codes as applicable and any additional standards stated in this chapter and other ordinances of the City.

(C) Supports and braces shall be an integral part of the sign design. Angle irons, chains, or wires used for supports or braces shall be hidden from public view to the extent technically feasible.

(D) Permanent sign faces erected or maintained on any freestanding sign structure other than the principle sign for which the structure was designed must be compatible with the original design and meet all other requirements of this chapter.

(E) Freestanding signs shall be self-supporting structures and be permanently attached to sufficient foundations.

(F) Attached signs must derive their principle and total support from the building to which they are attached.”

SECTION 9. Amendment of Section 15.04.020 Illuminated Signs. Section 15.04.020 is hereby amended in its entirety to read as follows:

“(a) Compliance with Electrical Code. Illuminated signs shall comply with all applicable provisions of the Electrical Code of the City. All electrical connections to the sign shall be placed underground. Electrical transformer boxes and raceways shall be concealed from public view. If a raceway cannot be mounted internally behind the finished exterior wall, the exposed metal surfaces of the raceway shall be finished to match the background wall or integrated into the overall sign design. If raceways are necessary, they shall never extend in width or height beyond the area of the sign's lettering or graphics.

(b) Location. Illuminated signs shall only be permitted on non-residential property.

(c) Hazards. Artificial light used in conjunction with the lighting of any sign shall not be directed or reflected onto any structure or constitute a hazard to the safe and efficient operation of vehicles upon a street or highway.

(d) Rotating or flashing lights. No rotating beam or flashing beacon light shall be used on any sign or sign structure.

(e) Shield the light source. The light source, whether internal or external, shall be shielded from view or directed so that the light intensity or brightness is directed away from the public right-of-way or adjoining property. External light sources shall be fully shielded and project the light below a horizontal plane running through the lowest point on the fixture where light is emitted.

(f) Internal illumination. Internally illuminated signs shall either be constructed with an opaque background and translucent letters and symbols or with a colored (not white, cream, off-white, yellow or other light color) translucent background, with either translucent or opaque letters and symbols. Opaque means only that the material must not transmit light from the internal illumination source; the color of such opaque backgrounds is not restricted by this section.

(g) Light trespass. No sign or associated luminaire shall create light spillover of more than 0.1 footcandles at any property line within or bounding a residential use or district.

(h) Use a projected light source. Illumination by a projected light shall be an indirect spotlight or gooseneck down light. External lighting fixtures shall not cast light or glare in any direction other than on the elements of the sign. Such lighting shall be placed so as to provide even illumination to the signage and to avoid hot spots or dark areas on the signage.

(i) Timing. Illuminated signs within a residentially zoned area shall shut off between the hours of 10:00 p.m. and 6:00 a.m. The sign shall include an automatic shut-off mechanism to ensure that the signs are not illuminated during the time provided above.

(j) Brightness. Illuminated signs shall not operate at brightness levels of more than 0.3 footcandles above ambient light conditions at the property line, as measured using a footcandle meter. Illumination levels shall be measured in footcandles with a meter sensor in a horizontal position at an approximate height of three (3) feet above grade. Maximum illumination readings are to be taken directly beneath the luminaire. The point at which readings shall be taken is dependent upon the area classification and fixture arrangements.

(k) Prohibited illumination. An illuminated sign shall not:

- (1) Be illuminated by flashing, intermittent, or moving lights;
- (2) Include audio, pyrotechnic, or bluecasting (bluetooth advertising) components; or
- (3) Consist of a static image projected upon a stationary object.”

SECTION 10. Amendment of Section 15.05.008(j) Lighting Requirements. Section 15.05.008(j) of the Site Development Ordinance is hereby amended in its entirety to read as follows:

“(j) Except as permitted in subsections (k), (l) and (m) of this section, total outdoor light output, excluding streetlights used for illumination of public rights-of-way, of any development project shall not exceed 100,000 lumens per net acre, averaged over the entire property. No more than 5,500 lumens per net acre may be accounted for by lamps in unshielded fixtures permitted in subsection (q) of this section. The maximum light trespass to non-residential districts or uses shall not exceed 0.03 fc over ambient light conditions measured at the property line. The maximum light trespass to residential districts or uses shall not exceed 0.01 fc over ambient light conditions measured at the property line.”

SECTION 11. Repealing all Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City of Manor (“City”), the terms and provisions of this ordinance shall control.

SECTION 12. Savings Clause. This City Council of the City of Manor, Texas hereby declares that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event that it would have passed and ordained any and all remaining portions of this ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

SECTION 13. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 14. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance was considered was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

SECTION 15. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

PASSED AND APPROVED THIS the 20th day of January 2021.

THE CITY OF MANOR, TEXAS

Dr. Larry Wallace Jr.,
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary