

Ordinance No. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING TITLE XV, LAND USAGE, OF THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, BY AMENDING CHAPTER 154, SIGNS, SECTION 154.112 TITLED CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS; PROVIDING A CUMULATIVE CLAUSE AND REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT WITH THE AMENDED SECTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Pflugerville’s sign regulations for the City of Pflugerville are codified as Chapter 154 of the Code of Ordinances; and

WHEREAS, the City Council is authorized to regulate signs by virtue of the Texas Constitution, the City of Pflugerville’s police power, Texas Local Government Code Chapter 211 and Texas Local Government Code Chapter 216; and

WHEREAS, City Council finds that the amendments to the City’s sign regulations are necessary and proper to protect and enhance the public health, safety and welfare; and

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

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 and findings of fact.

Section 2. Amendment to Municipal Code of Ordinances. The City of Pflugerville, Texas Code of Ordinances, Title XV (titled “*Land Usage*”), Chapter 154 (titled “*Signs*”), Section 154.112 (titled “*Changeable Electronic Variable Message Signs*”) is hereby amended as follows:

CHAPTER 154: SIGNS

§ 154.003. DEFINITIONS AND INTERPRETATION.

Delete:

NIT. A nit shall mean a measure of luminance with 1 nit equal to 1 candela per square meter (1 cd/m²). An ordinary wax candle generates approximately one candela of luminance.

§ 154.112. CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS.

Changeable electronic variable message signs (CEVMS) shall:

(A) Be permitted for on-premises use in the corporate city limits and extraterritorial jurisdiction along thoroughfares identified as an “arterial” or a “collector” in the Master Transportation Plan. ~~in the following corridors:~~

~~Pecan Street from its intersection with Central Commerce Drive to the Central Business District overlay boundary.~~

~~Farm Road 685 from the southernmost point at the city limits to its intersection with Pflugerville Parkway.~~

~~Pflugerville Parkway from its intersection with Farm Road 685 to its western edge of the city limits.~~

~~The entire length of Grand Avenue Parkway.~~

~~The entire length of A.W. Grimes Boulevard.~~

~~The entire length of Wells Branch Parkway.~~

~~The entire length of Farm Road 973.~~

~~Immanuel Road from E. Pecan Street to Wells Branch Parkway.~~

~~Railroad Avenue from the central business district overlay boundary to Pflugerville Parkway.~~

(B) Be limited to ~~500 nits~~ 45 foot-candles between sunset and sunrise and ~~5,000 nits~~ 450 foot-candles between sunrise and sunset.

(C) Not change message more frequently than every 60 seconds.

(D) Not flash or scroll or display an image in motion.

(E) Only be located within monument signs with an electronic sign facade no larger than 32 square feet in accordance with this chapter.

(F) Be located at least 150 feet from the front or side property line of a parcel zoned or used for a single-family residence.

(G) Be limited to 1 per lot located no closer than 100 feet from another CEVMS.

§ 154.904 SIGNAGE PER ZONING DISTRICTS.

Electronic Message ¹²											P	<u>P</u>
----------------------------------	--	--	--	--	--	--	--	--	--	--	---	----------

Table A2. Commercial and Industrial Zoning Districts											
Permitted Sign Type	O	NS	R	GB1	GB2	CI	LI	GI	CL3	CL4	CL5
Freestanding											
Residential ²									A	A	A
Freestanding	P	P	P	P	P	P	P		P	P	P
Incidental ³	A	A	A	A	A	A	A		A	A	A
Building											
Banner ⁵	P	P	P	P	P	P	P	P	P	P	P
Building Marker ⁶	A	A	A	A	A	A	A	A	A	A	A
Canopy	P		P						P	P	P
Incidental ³	A ⁸	A ⁸	A ⁸	A ³	A ³	A ³	A ³	A ³	A	A	A
Marquee ⁸	P	P	P	P	P	P	P	P	P	P	P
Projecting ⁸				P		P	P	P	P	P	P
Residential ²									A	A	A
Roof							P	P		P	P
Roof, Integral							P	P		P	P
Suspended ⁸	P	P	P	P		P			P	P	P
Temporary ⁹	P		P	P	P	P	A		A	P	
Wall	P	P	P	P	P	P	P	P	P	P	P
Window ¹⁰	A	A	A	A	A	A			A	A	A
Miscellaneous											
Flag ¹¹	A	A	A	A	A	A	A	A	A	A	A
Portable											
Electronic Message ¹²				P							

A = Allowed without sign permit.

P = Allowed only with sign permit.

Superscripts 1–12 = Conditions of sign types within the Zoning District.

1. Institutional Uses in Residential Zoning Districts. The “INS¹” column does not represent a zoning district. It applies to institutional purposes such as primary and secondary schools, churches, hospitals, institutions of higher education and any governmental purpose.
2. Residential Signs. No commercial message allowed on sign.
3. Incidental Signs. No commercial message of any kind allowed on sign if such message is legible from any location off the zone on which the sign is located.
4. Limitations of Incidental (Freestanding) Signs in certain Districts. Only address and name of occupant allowed.
5. Banner Signs. Banners are allowed to be placed up to six (6) times a year for a period not exceeding 3 weeks. There is no fee but a permit application is required. This application may be submitted annually. Only one banner is allowed per business at any one time.
6. Building Marker. May include only building name, date of construction, or historical data on historic site; must be cut or etched into masonry, bronze, or similar material.
7. Limitations of Incidental (Building) Signs in certain Districts. No commercial message of any kind allowed on sign.
8. Marquee Signs. If such a sign is suspended or projects above a public right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability insurance for such a sign and such amount as the Director may reasonably from time to time determine, provided that the amount of such liability insurance shall be at least \$500,000.00 per occurrence per sign.
9. Temporary Signs. The conditions of [§154.106](#) of this chapter apply.
10. Window Signs. Window signs are allowed without a permit for up to 10% of window coverage. Coverage of more than 10% requires a sign permit.
11. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. In the Central Business District (CBD) or currently known as the Downtown District overlay (DD), flags of any patriotic, religious, charitable, civic, educational, or fraternal organization not exceeding forty (40) square feet in area and thirty (30) feet in height are

allowed. Flags decorative or seasonal are allowed if they are attached to the existing building and do not exceed five (5) feet by five (5) feet.

12. Electronic Message Signage. The conditions of [§154.112](#) of this chapter apply.

Section 3. Repealer. This ordinance shall be cumulative of all provisions of the City of Pflugerville, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

Section 4. Severability. It is hereby declared to be the intention of the City Council of the City of Pflugerville that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

Section 5. Effective Date. This Ordinance will become effective on its adoption and passage by the City Council.

PASSED AND APPROVED this 22nd day of August, 2017.

CITY OF PFLUGERVILLE, TEXAS

by: _____
VICTOR GONZALES, Mayor

ATTEST:

KAREN THOMPSON, City Secretary

APPROVED AS TO FORM:

Charles E. Zech, City Attorney
Denton Navarro Rocha Bernal & Zech PC