

City of Noonday Building Requirements

Smith County Designated Agent
Texas Commission on Environmental Quality
On-Site Facility Enforcement Program
Permits, Inspections and Complaint Division
3800 Paluxy Drive Suite 230
Tyler, Texas 75703
903-630-4234

ORDINANCE 32

AN ORDINANCE ESTABLISHING A BUILDING PERMIT FEE FOR RESIDENTIAL, COMMERCIAL AND A NOONDAY SUBDIVISION PLAT AND CONSTRUCTION FEE ORDINANCE.

Section I

This ordinance requires builders and individuals to apply for a building permit from the City of Noonday for all new residential and commercial construction within the city limits of Noonday.

It will be the responsibility of the builder to be in compliance with building codes as listed herein. The city requires the IRC and NEC building codes for residential construction and IECC and IBC building codes for commercial construction.

Every person desiring to build new construction, major repairs or additions in the City of Noonday shall apply to the Planning and Zoning Commission to obtain a permit for such work before proceeding therewith. The applicant shall present plans and specifications or details in their application to the planning and zoning commission and if found to be in conformity with the requirements of the building regulations in force in the city of Noonday, Texas, the planning and zoning commission may issue such permit upon receipt of the required fee.

When the Planning and Zoning Commission issues a permit the mayor shall sign a copy of it and file it with application. Plan specifications or information showing work to be done, shall be kept in the City Hall while such work is in progress; such work shall be subject to inspection by any official designated by the Planning and Zoning Commission at all times. In the event any changes are made in the proposed work being done, written information shall be filed with the Planning and Zoning Commission showing the changes, specifications, or alterations.

Section II

Requirement for Noonday Subdivision Plat Application

A developer who proposes to develop a tract of land within the corporate limits or extraterritorial jurisdiction of the City of Noonday must first complete the "Noonday Subdivision Plat Application" form attached hereto and incorporated herein by reference and pay the required filing fees set out therein prior to any work being commenced on the property developer desires to plat so that the proposed plat may be inspected and approved by the City prior to the commencement of any work on the property. The City shall have the option to impose a penalty on the developer who fails or refuses to complete the application and pay the required fees prior to the commencement of work up to double the fee set out in said application as well as any other remedy available to the City under the laws of the State of Texas and the City of Noonday, Texas.

Section III

Any person, owner or contractor who shall make improvements for which fees are herein specified, without having obtained a permit, and paying the fees as herein provided shall be guilty of a misdemeanor and upon conviction shall be fined any sum not exceeding double the original fee. This ordinance shall take effect and be in full force from and after its passage and publication.

PASSED and **APPROVED** by the Noonday City Council this day, July 27, 2006.

/s/ Mike Turman
Mike Turman, Mayor
City of Noonday

ATTEST:

/s/ Carolyn Meyer
Carolyn Meyer, City Secretary
City of Noonday

SECTION XXII – PLANS

1. All applications for building permits shall be accompanied by accurate plot plans, submitted in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and accessory buildings then existing and the lines within which the proposed building and structure shall be erected or altered the existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, and such other information with regard to the lot and the neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance. One copy of such plot plans shall be returned to the owner when such plans have been approved. An inspection period of two weeks shall be allowed for inspection of plans before a permit shall be issued.
2. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey and the lot shall be staked out on the ground before construction is started.

SECTION XV – HEIGHT AND AREA REQUIREMENTS

		Maximum Height of Building	Minimum Depth of Front Yard	Minimum Width of Side Yard	Minimum Depth of Rear Yard	Minimum Lot Area per Family	Minimum Lot Size
	Stories	Feet	in Feet	in Feet	in Feet	in Sq. Ft.	in Sq. Ft.
R-1a One-Family Residential	2 ½	35	25	7.5	25	9,000	9,000
PUR Planned Unit Residential	SEE SPECIAL REGULATIONS AS CONTAINED SECTION IV-A						
R-1b One-Family Residential	2 ½	35	25	6	25	6,000	6,000
R-2 Two-Family Residential	2 ½	35	25	5	25	1-F 6,000 2-F 3,500	1-F 6,000 2-F 7,000
R-3 Residential	2 ½	35	25	5 (9)	25	1-F 6,000 2-F 3,500 M-F 1,000 (6)	1-F 6,000 2-F 7,000 M-F 7,000
R-3a Residential	1	25	25	5	25	Same as R-3	Same as R-3 (8)
R-4 Residential	11	120	25	5 (1)	25 (2)	1-F 6,000 2-F 3,500 M-F 750 (7)	1-F 6,000 2-F 7,000 M-F 7,000
RPO Restricted Professional Office	2 ½	35	25 (10)	5	25	Same as R-4	-----
C-1 Local Commercial	2 ½	35	25 (10)	(2)	25	Same as R-4	-----
C-1a Commercial District	8	100	25 (10)	(2)	25	Same as R-4	-----
C-2 General Commercial	3	45	25 (10)	(2)	25	Same as R-4	-----
C-3 Central Business	None	None	None	(2)	(5)	Same as R-4	-----
C-4 Planned Commercial	SEE SPECIAL REGULATIONS AS CONTAINED IN SECTION XII						
I-1 Light Industrial	3	45	25 (10)	(3)	25	Same as R-4	-----
I-2 Heavy Industrial	6	90	25 (10)	(4)	25	-----	-----

Numbers in parentheses refer to additions or modifications to regulations (next page).
Other additions and modifications of the height and area requirements are set forth in Section XVI.

1. For buildings less than three stories in height. For three story buildings each side yard shall be not less than 25 feet. For buildings more than three stories in height the side yards shall be increased one foot for each story above the third.
2. No side yard required for non-residential buildings except that on a lot abutting a residential district there shall be a side yard of not less than five feet. Side yards for dwellings shall be not less than five feet.
3. No side yards required for non-residential buildings except that on a lot abutting a residential district there shall be a side yard of not less than ten feet. Side yards for dwellings shall be no less than five feet.
4. No side yards required except that on a lot abutting a residential district there shall be a side yard of not less than 20 feet
5. No rear yards required except that on a lot abutting a residential district there shall be a rear yard of not less than 20 feet. Rear yards for residential buildings shall be no less than 20 feet.
6. Plus minimum lot area of 4,000 square feet.
7. Plus minimum lot area of 4,750 square feet.
8. Density of development shall not exceed twelve (12) dwelling units per gross acre including the common area and public facilities, excluding street right-of-way. The City Council may require less density in certain areas or neighborhoods.
9. See Section III - 7.
10. See Section XVI - 4, 4a and Section XVI - 4, 4b.

SECTION XVI - HEIGHT AND AREA EXCEPTIONS AND MODIFICATIONS

1. The regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.
2. **HEIGHT:**
 - (a) Schools, public buildings and institutions may be erected to a height not exceeding 85 feet in any district in which they are permitted, provided front and rear yards are increased in depth and side yards are increased in width one foot for each foot of height that the building exceeds the height regulations of the district in which it is located.
 - (b) The height regulations prescribed herein shall not apply to television or radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator and air conditioning penthouses, skylights, conveyors, flag poles and grain elevators
 - (c) The limitation on number of stories shall not apply to buildings used exclusively for storage purposes provided such buildings do not exceed the height in feet permitted in the district in which they are located.

3. **GENERAL AREA EXCEPTIONS AND MODIFICATIONS:**

- (a) Every part of a required yard shall be open to the sky, unobstructed by a building, except for accessory buildings in a rear yard, and except for the ordinary projection of sills, belt courses, cornices, and ornamental features not to exceed 24 inches.
- (b) Open or lattice enclosed fire escapes, required by law, projecting into a yard not to exceed five feet and the ordinary projection of chimneys and pilasters shall be permitted by the Mayor or designated agent when placed so as to obstruct light and ventilations.
- (c) Terraces, uncovered porches and ornamental features which do not extend more than three feet above the floor level of the ground (first) story may project into a required yard, provided these projections are a distance of at least two feet from the adjacent side lot line.
- (d) Where a lot or tract is used for educational, institutional, hotel, commercial or industrial purpose, more than one main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.
- (e) Where an open space is more than 50 percent surrounded by a building, the minimum width of the open space shall be at least 20 feet for one-story buildings, 30 feet for two-story buildings and 40 feet for three-story buildings.

4. **FRONT YARDS:**

- (a) The front yards heretofore established in all C-1, C-1a, C-2, C-4 and RPO Districts shall be adjusted in the following cases:
 - (1) Where 40 percent or more of the frontage on the same side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that have, with a variation of five feet or less, a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.
 - (2) Where 40 percent or more of the frontage on one side, a street between two intersecting streets is presently developed with buildings that do not have a front yard as described above, then:
 - (aa) Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent building on each side, or
 - (abb) Where a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.
 - (3) Interior lots having a frontage on two streets shall provide the required front yard or both streets.

- (4) Filling stations pumps and pump islands may be located within a required yard provided they are not less than 15 feet from any street line and not less than 50 feet from the boundary on any residential district. Filling station canopies shall not be located closer than 10 feet from any street line.
 - (b) The front yards heretofore established in R-1a, R-1b, and R-2 districts shall be adjusted in the following cases:
 - (1) If forty (40%) percent or more of the lots on the same side of a street between two intersecting streets are improved with buildings, then the minimum front yard requirement on that side of the street shall be established by the existing building with the least front yard.
 - (2) Notwithstanding the provisions of Subsection I above, a setback or front yard shall not be required which is greater than 50 feet.
 - (3) Interior lots having a frontage on two streets shall provide the required front yards on both streets.
5. **SIDE YARDS:** The side yards heretofore established shall be adjusted in the following cases:
- (a) On a corner lot the width of the yard along the side street shall not be less than 12 feet for Residential District and Restricted Professional and Office Districts.
 - (b) No accessory building shall project beyond a required yard line along any street.
 - (c) Commercial or industrial buildings used in part for dwelling purposes shall provide side yards not less than five feet in width unless every dwelling room opens directly upon a front yard, rear yard, or court.
 - (d) For the purpose of the side yard regulations, a two-family dwelling, or a multiple dwelling shall be considered as one building occupying one lot.
 - (e) Whenever a lot of record at the time of the passage of this Ordinance has a width of less than 50 feet, the side yard on each side of a building may be reduced to a width of not less than 10 percent of the width of the lot, but in no instance shall it be less than three feet.
 - (f) A porte-cochere, carport, or canopy may project into a required side yard provided every part of such porte-cochere, carport, or canopy is unenclosed except for necessary structural supports and not less than five feet from any side lot line.
6. **REAR YARDS:** The rear yards heretofore established shall be adjusted in the following cases:
- Where a lot abuts upon an alley, one-half of the alley width may be considered as part of the required rear yard.
- (a) Where an industrial lot abuts on a railroad and is served by a spur track, no rear yard shall be required.

7. **LOT AREA PER FAMILY:**

- (a) Where a lot of record at the time of the effective date of this Ordinance has less area or width than herein required in the district in which it is located, and the owner of such lot does not own any other parcel or tract adjacent thereto, said lot may nonetheless be used for a one-family dwelling or for any other non-dwelling use permitted in the district in which it is located.
- (b) Lot area per family requirements shall not apply to dormitories, fraternities, sororities, clubs, hotels, or apartment hotels where no built-in cooking facilities are provided in individual rooms or apartments.

8. **ACCESSORY BUILDINGS:**

- (a) Accessory buildings may be built in a rear yard but such accessory buildings shall not occupy more than 30 percent of the required rear yard and shall not be nearer than five feet from any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than five feet to the alley line. An accessory building within 25 feet of the rear lot line on corner lots shall not be closer than 25 feet from the side street.
- (b) If a garage is located closer than 10 feet to the main building the garage shall be regarded as part of the main building for the purpose of determining the side and rear yards.
- (c) No accessory building shall be constructed upon a lot until the construction of the main building has actually been commenced, and no accessory building shall be used unless the main building on the lot is completed and used.
- (d) No accessory building shall be used for dwelling purposes other than by domestic servants employed entirely on the premises.
- (e) Any fence or wall erected on the side property line located in front of the minimum required front yard, exceed four (4) feet in height.

SECTION XVII - OFF-STREET PARKING AND LOADING REQUIREMENTS

- 1. In all districts except the C-3 Central Business District, there shall be provided at the time any building or structure is erected or structurally altered (except as otherwise provided in this Section) off-street parking spaces in accordance with the following requirements:
- 2. **PARKING REQUIREMENT FOR RESIDENTIAL DEVELOPMENT ARE AS FOLLOWS:**

<u>District</u>	<u>Required Off-Street Parking</u>
R-1a	Two (2) parking spaces for each dwelling unit
Planned Unit Residential	Two and one-half (2 ½) parking spaces per family
R-1b	Two (2) parking spaces for each dwelling unit

R-2	Two (2) parking spaces for each dwelling unit
R-3	Two (2) parking spaces per dwelling unit or apartment
R-3a	Three (3) parking spaces per dwelling unit or apartment
R-4	Two (2) parking spaces per dwelling unit or suite

Residential Development two (2) parking spaces for each single-family in all other Districts dwelling unit, duplex or apartment.

3. **PARKING REQUIREMENT FOR NON-RESIDENTIAL DISTRICTS:**

- (a) Bowling alley: five parking spaces for each alley.
- (b) Business, professional or public office building, studio, bank, savings and loan, medical or dental clinic and general office: Three parking spaces plus one additional parking space for each 400 square feet of floor area over 1,000.
- (c) Church, temple, theatre, auditorium (except school), and other places of public assembly with fixed seating: one parking space for each 5 seats or seating spaces.
- (d) College or high schools: five spaces for each classroom
- (e) Community center, library, museum or art gallery: 10 parking spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 feet.
- (f) Dance hall, assembly or exhibition hall without fixed seats: one parking space for each 100 square feet of floor area used therefore.
- (g) Fraternity, sorority, rooming or boarding house, dormitory, and other similar uses with group quarter: one parking space for each three persons the establishment is designed to accommodate.
- (h) Furniture or appliance store, hardware store, wholesale establishment, machinery or equipment sales and service, clothing or shoe repair or service shop: two parking spaces plus one additional parking space for each 500 square feet of floor area over 1,000.
- (i) Golf club: one parking space for each five members or 4 spaces per hole, whichever is greater.
- (j) Hospital: one parking space for each four beds, plus one parking space for every two employees on the maximum working shift.
- (k) Hotel, motel, tourist home, seasonal cabin and other similar transient accommodations: one parking space for each sleeping room, suite, and guest accommodations plus specified requirements for restaurants and related facilities.
- (l) Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment: one parking space for every two employees on the maximum working shift or one space for each one thousand (1000) square feet of floor area, whichever is greater.
- (m) Mortuary or funeral home: one parking space for each 50 square feet of floor space in slumber rooms, parlors or individual funeral service rooms.
- (n) Printing or plumbing shop or similar service, establishment: one parking space for each three persons employed therein.

- (o) Private clubs, lodge, civic club, community club and similar organization not providing regular service of food or drink: one parking space for each 5 members of such use or one space for each three hundred feet of gross floor space, whichever is greater.
 - (p) Private clubs, lodge civic club, community club and similar organization not providing regular service of food or drink: one parking space or each 3 members of such use or one space for each three hundred feet of gross floor space, whichever is greater.
 - (q) Restaurant, nightclub, cafe or similar recreation or amusement establishment: one parking space for each 100 square feet of floor area.
 - (r) Retail store or personal service establishment, except as otherwise specified herein: one parking space for each 200 square feet of floor area.
 - (s) Sanitarium, convalescent home, home for the aged or similar institution: one parking space for each six beds.
 - (t) School (except high school or college) two parking spaces for each classroom.
 - (u) Sports arena, stadium or gymnasium (except school): one parking space for each five seats or seating spaces.
4. In computing the number of such parking spaces required, the following rules shall govern:
- (a) Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
 - (b) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the City Council.
 - (c) Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of 10 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of 50 percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
 - (d) In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
5. All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained not to exceed 300 feet from an institutional building served and not to exceed 500 feet from any other non-residential building served.
- (a) Up to 50 percent of the parking spaces required for:

- (1) Theatres, public auditoriums, bowling alleys, dance halls, night clubs or cafes, and up to 100 percent of the parking spaces required for a church or school auditorium may be provided and used jointly by:
 - (2) Banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (1); provided, however, that written agreement thereto is properly executed and filed as specified below.
 - (b) In any case where the required parking spaces are not located on the same lot with the building or use served, where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form and executed by the Mayor or his designated agent and shall be filed with the applications for a building permit.
 - (c) No off-street parking shall be permitted in the required front yard on any residential district except upon a drive-way providing access to a garage, carport, or parking area for a dwelling or for parking for hospitals, medical clinics, churches, schools, public buildings and parks; provided no vehicle shall be parked nearer than 15 feet to a street intersection; and provided further no vehicle leaving any parking area maintained under the provisions of this subsection shall be backed into a street right-of-way.
6. There shall be provided at the time any building is erected or structurally altered (except as otherwise provided in this Ordinance), off-street loading space in accordance with the following requirements:
- (a) Office buildings and hotels: one space for each 5,000 to 50,000 square feet of gross floor area in C-1 and C-2 Districts; One space for each 20,000 to 50,000 square feet of gross floor area in M-1 or M-2 Districts; Two spaces for each 50,000 to 200,000 square feet of gross floor area in any district, except C-3. One additional space for each 75,000 square feet of gross floor area above 200,000 square feet in any district except C-3
 - (b) Retail or service establishment or wholesale commercial use: one space for each 2,000 to 20,000 square feet of gross floor area in C-1 and C-2 Districts. One space for each 4,000 to 20,000 square feet of gross floor area in M-1 and M-2 Districts. Two spaces for each 20,000 to 100,000 square feet of gross floor area in any district, except in C-3. One additional space for each 75,000 square feet of gross floor area above 100,000 square feet in any district, except in C-3
 - (c) No building or part thereof in the C-1 and C-2 Districts heretofore erected, which is used for any of the purposes specified above shall hereafter be enlarged or extended unless off-street loading space is provided in accordance with the provisions of this Section.
 - (d) No building or part thereof in the M-1 and M-2 Districts heretofore erected which is used for any of the purposes specified above shall hereafter be enlarged or extended to provide a gross floor area of 25,000 square feet or more, unless off-street loading space is provided in accordance with the provisions of this Section.

ADDENDUM TO ORDINANCE 2 SECTION XVIII (18) AND SECTION XXIV (24)

Be it ordained by the City Council of the City of Noonday, Texas on this date April 28, 2011,

The City Council passed an addendum to Ordinance 2 Section XVIII (18) and Section XXIV (24).

1) Addendum states that the City of Noonday prohibits existing billboards to be converted to LED billboards.

2) The City of Noonday does hereby adopt, State rules effective June 1, 2008, which allows the erection of LED and Rotating Slat Signs. An off premise sign larger than a 12' x 24' will NOT be allowed. Signs require a Special Use Permit from the City of Noonday.

Definitions:

Changeable electronic variable message sign (CEVMS) shall mean a sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual or Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

Off-premise sign shall mean any sign that advertises a business, person, activity, goods, products or services not located on the premises where the sign is installed and maintained, or that directs persons to a location other than the premises where the sign is installed and maintained.

On-premise sign shall mean any sign identifying or advertising the business, person, activity, goods, products or services sold or offered for sale on the premises where the sign is installed and maintained when such premises is used for business purposes.

The City of Noonday does hereby adopt, State rules effective June 1, 2008, which allows the erection of LED and Rotating Slat Signs with the following prohibitions that the signs shall not:

- Be illuminated by flashing, intermittent, or moving lights;
- Contain or display animated, moving video, or scrolling advertising;
- Consist of a static image projected upon a stationary object; or
- Be a mobile sign located on a truck or trailer.

Electronic signs may not be relocated so that any part of the relocated sign would be within 1,500 feet of another on-premise electronic sign on the same side of a regulated highway.

Non-conforming signs cannot be upgraded to or used to illuminate non-conforming signs. However, a legally conforming sign may be modified to an electronic sign if a new permit for the electronic sign is obtained from both the City of Noonday and State of Texas. Lighting shall not be added to or used to illuminate a sign if prohibited by the City of Noonday's sign or zoning ordinance.

Electronic signs may be located on either side of the highway; however, each sign must only be visible from one direction of travel. Each message on an electronic sign shall be displayed for at least eight seconds and a change of message shall be accomplished within two seconds. A change of message must occur simultaneously on the entire sign face. Signs on the same side shall be at least 1500 feet apart.

An electronic sign must contain a default mechanism that freezes the sign in one position if a malfunction occurs; and automatically adjust the intensity of its display according to natural ambient light conditions.

The owner of an electronic sign shall coordinate with local authorities to display, when appropriate, emergency information important to the traveling public, such as Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information. The sign owner shall provide to the City of Noonday contact information for a person who is available to be contacted at any time and who is able to turn off the electronic sign promptly after a malfunction occurs.

If the City of Noonday finds that an electronic sign causes glare or otherwise impairs the vision of the driver of a motor vehicle or otherwise interferes with the operation of a motor vehicle, the owner of the sign, within 12 hours of a request by the City of Noonday, shall reduce the intensity of the sign to a level acceptable to the City of Noonday.

Sign Code Application Area shall mean the corporate limits of the City and the area of its extraterritorial jurisdiction as defined by Section 42.021 of the Local Government Code.

THIS ADDENDUM PASSED AND APPROVED THIS 28TH DAY OF APRIL 2011, BY VOTE OF THE CITY COUNCIL.

/s/ Mike Turman
Mike Turman, Mayor
City of Noonday

ATTEST:

/s/ Jennifer Barron
Jennifer Barron, Secretary
City of Noonday

AMENDMENT TO ORDINANCE 2 SECTION XVIII

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NOONDAY THAT THE CITY COUNCIL HAS PASSED AN AMENDMENT TO ORDINANCE II, SECTION XVIII, ITEM D.D. NO SPECIAL USE PERMITS FOR BILLBOARDS WILL BE ISSUED IN THE CITY LIMITS OF NOONDAY, TEXAS.

THIS AMENDMENT PASSED AND APPROVED THIS 24th DAY OF JANUARY 2008, BY VOTE OF CITY COUNCIL.

/s/ Mike Turman
Mike Turman, Mayor
City of Noonday

ATTEST:

/s/ Carolyn Meyer
Carolyn Meyer, Secretary

SECTION XXIV (24) - SIGNS AND IDENTIFICATION REGULATIONS

1. The regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance

2. SIGNS WITHIN ZONED DISTRICTS

(a) Signs within Districts zoned R-1a, R-1b, R-2 and Planned Unit Residential District shall be limited to:

- (1) A church bulletin board not exceeding thirty-two square feet in area located on the same lot as the building;
- (2) The above sign shall be located not less than ten (10) feet from the property line.

(b) Signs within Districts zoned R-3, R-3a, R-4, and RPO shall be limited to:

- (1) Signs permitted within zoned Districts R-1a, R-2 and Planned Unit Residential Districts;
- (2) A name plate not exceeding 32 square feet in area, freestanding or attached to the wall, and lighted only with indirect non-intermittent light;
- (3) Freestanding sign advertising on an on-premise business shall be permitted in the RPO district subject to the following conditions:
 - (a) Only one sign per office structure shall be permitted;
 - (b) The aggregate gross area of the sign, in square feet shall not exceed the number of lineal feet of lot frontage and it shall not exceed 32 square feet in size.
- (4) Signs shall not be located in or permitted to project into public right-of-way.

(c) Signs within Districts zoned C-1 shall be limited to:

- (1) Signs permitted within Districts zoned R-4;
- (2) Signs, displayed upon the following conditions and under the following circumstances:
 - (a) Signs shall contain only the name of the business establishment or the principal business conducted on the premises, or both;
 - (b) Not more than one sign per business affixed and parallel to the outlet wall of the structure within which the designated use is situated shall be permitted;
 - (c) Signs are painted on a vertical surface of the building or attached flat thereto;
 - (d) Only one freestanding sign per lot or premise shall be permitted, except corner lots shall be permitted one sign per street front;

- (e) Signs, freestanding or fixed, shall not project above the principal roof of a building, except that a sign may be attached flat against or painted on a parapet-wall not exceeding three feet above such roof line;
- (f) One sign identifying a planned shopping center may be located on the lot providing the height of such sign does not extend above thirty-five feet (35') and the illumination of the sign does not flash; only one freestanding sign shall be allowed in a planned shopping center;
- (g) The aggregate gross area in square feet of all signs on a lot shall not exceed the number of lineal feet of frontage of such lot and in no case shall it exceed a total of 100 square feet on any one street, nor exceed this area be less than 40 square feet;
- (h) Where the premises have more than 2 occupants, and have a name distinct from that of any occupant, as in a shopping center, an additional 2 square feet of sign area for each 10 feet of street frontage, with a maximum area of 200 square feet, is permitted only for signs advertising the premises;
- (i) When any such sign is illuminated, the light or lights shall be shaded or concealed so that they will not interfere with the vision of motor vehicle operators or shine directly on residential property located in any residential district; illumination of such signs shall not be flashed;
- (j) Gasoline filling stations may have one double-faced free standing sign not over 12 inches in thickness on which shall be advertised only the trade name of the product offered for sale; the area of a double-faced sign shall be the area of one face of the sign and shall be included as a part of the permitted area.

(d) Signs within Districts zoned C-1a shall be limited to:

- (1) Signs permitted within Districts zoned C-1;
- (2) The top of any sign shall not be above 35' feet from ground level.

(e) Signs within Districts zoned C-2, C-3, M-1 and M-2 shall be limited to:

- (1) Signs permitted in Districts zoned C-1
- (2) No more than one (1) off-premise sign shall be permitted on any lot having an on-premise sign;
- (3) The top of such sign shall not be above 35' feet from ground level;
- (4) Signs in the C-3 district shall be permitted to project into the Public Right-of-Way only if they maintain a minimum of two (2) feet distance from the curb line and are a minimum of nine (9') feet above the first floor level.

(f) Temporary signs within all districts shall be limited to:

- (1) A real estate sign appertaining to the lease, hire or sale of building on the premises, which sign shall not exceed 32 square feet in area and which shall be located on the lot so advertised;
- (2) A construction sign appertaining to the construction or remodeling of a building on the premises, which sign shall not exceed 64 square feet, and which shall be located on the lot only for the duration of the construction.
- (3) A development sign appertaining to residential, office, commercial, and industrial development which sign shall not exceed 100 square feet, and which shall be located with the area being developed. One sign per project or one sign for each 30 acres of development shall be permitted for the duration of the project.
- (4) No portable, mobile, or designed to be mobile signs, shall be permitted.

3. **BILLBOARDS**

Billboards shall be allowed in all M-1 and M-2 districts. Billboards shall be allowed in C-1, C-2 and C-3 Districts by special use permit only.

(a) All billboards shall conform to the following requirements.

- (1) Billboards shall not be above 35 feet from ground level;
- (2) Billboards shall not exceed 672 square feet in gross area. Billboards which exceed 400 square feet in area may not be double faced, stacked or side by side;
- (3) Billboards shall not be erected closer than 300 feet apart on the same side of the street;
- (4) Billboards may not be located in such manner as to obscure or otherwise interfere with the driver's view of approaching, merging or intersecting traffic and the effectiveness of an official traffic sign, signal or device;
- (5) Billboards may not be located within 500 feet of any public park, public forest, public playground or scenic area designated as such by the City of Noonday or any other governmental agency.

(b) Non-conforming Use Regulations for Billboards:

- (1) All billboards in existence on the effective date of this ordinance for which a special use permit has been granted may remain in use for the period specified in such permit. Such signs may be rebuilt, reconstructed and structurally altered.
- (2) Where a bona fide lease of real property located in a C-2 or C-3 zoned district has been executed for the purpose of erecting a billboard, a billboard may be erected on such real property, provided:
 - (a) That said lease was executed prior to January 15, 1980, and

- (b) A proper application for a building permit is submitted to the building official prior to February 1, 1981. Such use for a sign shall be discontinued after a period of ten (10) years from the effective date of this ordinance or any amendment thereof, unless a special use permit has been granted continuing such use.
- (3) Where billboards exist in districts zoned C-1, C-2, C-3 on the effective date of this ordinance, such billboards may remain in use for a period of ten (10) years from the effective date of this ordinance or any amendment thereof, after which date such use shall be discontinued unless a special use permit has been granted. Such billboards may be rebuilt, reconstructed and structurally altered until January 1, 1982. After January 1, 1982, such signs shall be governed by Section XIX, Non-conforming Uses, of the Code of Ordinances of the City of Noonday, Texas, unless a special use permit has been granted continuing such use.
- (4) Where billboards exist in districts zoned PUR, R-1a, R-1b, R-2, R-3, R-3a, R-4, and RPO on the effective date of this ordinance, such billboards may remain in use for a period of ten (10) years from the effective date of this ordinance or any amendment thereof, after which date such use shall be discontinued.

The following amendments were approved February 1, 1980:

- 3. (b) (2) (b)
- 3. (b) (3)
- 3. (b) (4)

AMENDMENT TO ORDINANCE 32, SECTION I

Any person or business moving a building, portable building, or house into the City limits of Noonday must first apply for a building permit from the City of Noonday. The building or house must meet all codes that the City requires for residential and commercial construction.

This amendment shall take effect and be in full force from and after its passage and publication.

Be it **Approved** by the City Council of Noonday, Texas this 22nd day of March 2007.

/s/ Mike Turman
Mike Turman, Mayor
City of Noonday

ATTEST

/s/ Carolyn Meyer
Carolyn Meyer, City Secretary
City of Noonday