

CITY OF NOONDAY

Special Use Permit

Date filed: _____
Date Hearing _____
Scheduled: _____

City of Noonday, Texas
J. Mike Turman, Mayor
PO Box 6425
Tyler, Texas 75711
(903) 561-3351
www.cityofnoonday.com

Action taken by Council: _____

Date: _____

Reason for Permit _____

Legal Description of Property: _____

Will this use of the property affect traffic flow in the neighborhood? _____

If yes, please describe: _____

Will the use of this property affect the neighborhood? _____

Please enclose and mail to the above address:

(1.) Plat of the property _____

(2.) Filing fee of: 0-1 acres \$75 1-5 acres \$100 5+ acres \$150

(3.) Drawing of what you are going to put on the property including locations to roads, houses, etc

****If permit is approved and the installation is not put into use within 12 months of its issuance the permit is void.***

Person or company making request (if other than land owner, must also be signed by owner)

By: _____ Owner (if applicable) _____

SECTION XXIV (24) – SIGNS AND IDENTIFICATION REGULATIONS *(See Addendums)*

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 (See Addendums)

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 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

ADDENDUM TO ORDINANCE 2 SECTION XVIII (18)

SIGN REGULATIONS

PART 1 APPLICATION AND EXEMPTIONS

WHEREAS, the City of Noonday, Texas, is a Type A General-Law Municipality located in Smith County created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, Texas Local Government Code, Chapter 216, provides that municipalities may regulate the location, construction and removal of signs; and

WHEREAS, signs perform functions that are important for public safety and general welfare including communicating messages and supporting business and community vitality by providing information about goods and services and directing citizens and visitors and thus promoting economic growth; and

WHEREAS, the City Council finds that the number, size, design, characteristics, and location of signs within the City directly affects the public safety and welfare; and

WHEREAS, the City Council finds that it is important to maintain, enhance, and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community and promoting pleasing aesthetics so that signs may reflect the City's character as an attractive rural city with vital and appealing business districts; and

WHEREAS, the City Council finds that it is important to prevent visual clutter that adversely impacts vehicle traffic and pedestrian safety; and

WHEREAS, the City Council has reviewed, considered, and discussed the proposed sign regulations; and

WHEREAS, the City Council finds that by controlling the construction, location, use and maintenance of all signs and sign structures within the City limits jurisdiction, the public health, safety and general welfare of its citizens and visitors is improved by more effective communication, enhanced safety, and protection of property values; and

NOW, WHEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NOONDAY, TEXAS:

Section 1 – Application

This Article applies to a sign that is erected, constructed, reconstructed, structurally altered, or placed on a lot, building or other structure after the effective date of this Ordinance.

Section 2 – Exempt Signs

The following signs are exempt from the requirements of this Ordinance:

- (a) *Government Sign*- A sign erected or maintained pursuant to a government function, required by law, ordinance or government regulation, or located on property owned, leased or under the control of the United States, the State of Texas, Smith County, or the City of Noonday.
- (b) *Private Traffic Control*- A sign on private property containing no advertising that directs the movement of traffic, warns of obstacles or overhead clearances, or controls parking, including an entrance and exit sign.
- (c) *Sign Not Visible from a Street*- A sign not visible from a street.
- (d) *Utility or Hazard Sign*- A sign marking utility or underground communication or transmission lines or hazards.
- (e) *Plaque*- A historical or commemorative plaque of a recognized historical society or organization.
- (f) *Mailbox*- Names and addresses located on mailboxes.
- (g) *Vehicle Sign*- Signs displayed or used on vehicles and trailers, unless the vehicle or trailer is permanently stationed or regularly used at a fixed location to serve the same or a similar purpose of a permanent or portable sign. A sign displayed or used on a vehicle or trailer that is not registered shall be presumed to be permanently stationed and therefore not exempt from requirements of this Ordinance.
- (h) *Sign on Outdoor Machines, Devices or Equipment*. A sign located on an outdoor machine, device or equipment which displays the trademark, trade name, manufacturer, cost, or operating or service instructions or similar information but does not advertise the business where located. This exemption includes a sign on a coin-operated vending machine, fuel dispensing pump, telephone facility, automatic teller machine, automotive vacuum cleaner, amusement ride or similar machine, device or equipment.
- (i) *National or State Flag*- A national or state flag on a lot that does not exceed the sign face regulations applicable to a monument sign for that lot.
- (j) *Athletic Field*- signs located on the field side of a scoreboard or fence of an athletic field.
- (k) *Holiday Sign or Lights*- A temporary sign including Christmas lights containing only holiday messages and no commercial advertising.
- (l) *Sign on a Person or Animal*- A hand held sign on a person or animal.
- (m) *Unused Sign*- A sign being manufactured or transported and not used for advertising.
- (n) *Window and Door Sign*- A sign painted on or placed on and supported by the glass surface of a window or door, if not illuminated with the intent of being viewed from a street.

(o) *Non-Conforming Sign*- A non-conforming sign as provided in Sections 1-41 through 1-44 of this Ordinance.

(p) *Community Betterment Sign*- A temporary sign to advertise an event for a non-profit organization for a period not to exceed 14 days.

Section – 3 Conflicts.

A regulation under any other Article of this Ordinance governs over any conflicting provision contain in the Article.

Section 4 – 10 Reserved.

PART 2 PROHIBITED SIGNS AND REGULATED SIGNS

Section – 11 Prohibited Signs

The following signs shall not be erected, constructed, reconstructed, or placed on a lot, building, or structure for advertising purposes:

- (a) A Portable sign, other than a Sandwich Board sign.
- (b) A sign located on a tree or shrub.
- (c) A sign located on the roof of a building
- (d) A sign that is deteriorated, dilapidated, or unsafe.
- (e) A sign located or attached to a street light, utility pole, hydrant, bridge, traffic control device, street sign or other city owned building, facility, structure or equipment without the approval of the City Mayor or his designee.
- (f) A sign located or illuminated so that it interferes with an official traffic sign, signal or device, or obstructs or interferes with the view of approaching, emerging, or intersecting traffic, or prevents a driver of a vehicle from having a clear view of approaching vehicles.
- (h) A sign illuminated with such intensity or without proper shielding as to constitute a hazard to the operation of a vehicle on a street or interfere with the reasonable enjoyment of a residential lot.
- (i) A sign emanating light greater than .2 foot-candles when measured at the lot line.
- (j) An Off-premise sign.
- (k) Balloons or streamers unless displayed as part of a sale, promotion or community event for no more than twenty (20) days in any calendar year.
- (l) A sign that flashes or has an image that changes.
- (m) A sign that is not authorized by this Article or that does not conform to the requirements of this Article.

Section 12 – Monument Sign

(a) A Monument sign on each side of the street shall be permitted at each street entrance into a residential subdivision subject to the following requirements:

1. The maximum height of a Monument sign under this subsection, shall be eight (8) feet, including the base and supporting structure, when measured from ground level at the center of the base or supporting structure to the highest point of the sign, base or supporting structure. The maximum height of the sign face of a Monument sign under this subsection shall be four (4) feet, excluding the base and supporting structure. The maximum width of the sign face of a Monument sign under this subsection shall be twelve (12) feet, excluding the base and supporting structure.
2. The maximum area of a Monument sign under this subsection shall be (72) square feet per sign, with a maximum area per sign face of thirty-six (36) square feet.

(b) A Monument sign shall be permitted on a lot in a Commercial district, Mixed use district or Industrial district to identify a business located on the lot other than a home occupation, subject to the following requirements:

1. The maximum height of a Monument sign under this subsection, including the base and supporting structure shall be eight (8) feet, when measured from ground level at the center of the base or supporting structure to the highest point of the sign, base or supporting structure. The maximum width of a Monument sign under this subsection, including the base and supporting structure shall be eight (8) feet. The maximum height of the sign face of a Monument sign shall be six (6) feet, excluding the base and supporting structure. The maximum width of the sign face of a Monument sign shall be six (6) feet, excluding the base and supporting structure.
2. The maximum area of a Monument sign under this subsection shall be 72 square feet per sign, with a maximum area per sign face of 36 square feet.

(c) A Monument sign shall be permitted on a lot in a Commercial district, Mixed Use district or Industrial district to identify more than one business located on the lot other than a home occupation, subject to the following requirements:

1. The maximum height of a Monument sign under this subsection, including the base and supporting structure shall be twelve (12) feet, when measured from ground level at the center of the base or supporting structure to the highest point of the sign, base or supporting structure. The maximum width of a Monument sign under this subsection, including the base and supporting structure shall be ten (10) feet. The maximum height of the sign face of a Monument sign shall be ten (10) feet, excluding the base and supporting structure. The maximum width of the sign face of a Monument sign shall be eight (8) feet, excluding the base and supporting structure.
2. The maximum area of a Monument sign under this subsection shall be 160 square feet per sign, with a maximum area per sign face of 80 square feet.
3. The maximum number of sign panels shall be eight (8) per sign face.

(d) A Monument sign shall be permitted on a lot used for Multiple Family dwelling subject to the following requirements:

1. The maximum height of a Monument sign under this subsection, including the base and supporting structure shall be eight (8) feet, when measured from ground level at the center of the base or supporting structure to the highest point of the sign, base or supporting structure. The maximum width of a Monument sign under this subsection, including the base and supporting structure shall be eight (8) feet. The maximum height of the sign face of a Monument sign shall be six (6) feet, excluding the base and supporting structure. The maximum width of the sign face of a Monument sign shall be six (6) feet, excluding the base and supporting structure.

2. The maximum area of a Monument sign under this subsection shall be 72 square feet per sign, with a maximum area per sign face of 36 square feet.

(e) A Monument sign shall be located a minimum of five (5) feet from any lot line and shall not be placed in a public easement or right of way.

(f) No more than one Monument sign shall be allowed in the front yard of a lot. If the lot abuts more than one street than no more than one Monument sign shall be located in each front yard. A Monument sign shall not be located within one hundred twenty five (125) feet of another Monument sign on the same lot unless the Monument sign displays a menu or pricing for food service in connection with a drive-through lane or drive-up facility at a fast food restaurant.

(g) A Monument sign shall not be located within fifty (50) feet of another Monument sign on another lot.

(h) The base and structure of a Monument sign shall be constructed of brick or stone material and shall be made of the same material as the principal building or buildings located on the lot. For purposes of this section, brick and stone materials are defined in accordance with Section 4-41 of this Ordinance. Sculpted aluminum sign panels may be used on a Monument sign. Wood panels shall not be used on a Monument sign.

(i) A Monument sign may be illuminated by a light source located on the ground if the light source and supporting structure for the light are not visible from a street. A Monument sign may be illuminated by internal lighting if sculpted aluminum sign panels are used.

Section 13 – Attached Sign

(a) An Attached sign shall be permitted as long as it complies with the following requirements:

1. The sign face of an attached sign located on a principal building devoted to a residential use may not exceed one percent of the area of the wall or façade upon which it is located.

2. The sign face of an attached sign located on a principal building devoted to a nonresidential use may not exceed fifteen (15) percent of the area of the wall or façade upon which it is located, or four hundred (400) square feet, whichever is less.

3. The sign face of an attached sign located on an accessory building serving a nonresidential use may not exceed five (5) percent of the area of the wall or façade upon which it is located, or one hundred (100) square feet, whichever is less.
 4. An attached sign shall not extend beyond the perimeter of any part of the wall to which it is attached.
 5. Except as otherwise provided in this section, an attached sign shall not extend above the wall or façade to which it is attached. A sign may be attached to a continuous plane fascia provided the sign does not extend above or below the projection of the fascia.
 6. If a building is leased to more than one tenant than not more than one attached sign per lease space shall be attached to a wall or façade that faces a street.
- (b) An attached sign may only be illuminated by internal lighting. Exterior letters with exposed neon lighting shall not be used.

Section 14 – Banner Sign

A Banner sign attached to a wall or façade shall be permitted as long as it complies with the following requirements:

- (a) A Banner sign may be placed on a principal building that is devoted to a non-residential use for a period of not more than seven (7) days in any ninety (90) day period.
- (b) A Banner sign may be placed on a principal building to advertise the opening of a new business for a period of not more than thirty (30) days from the date of the issuance of Certificate of Occupancy.
- (c) A Banner sign may be placed on a principal building used as a temporary facility by a religious or civic organization provided the banner is placed on the building no earlier than two hours before the worship service or meeting and removed no later than two hours after the worship service or meeting.
- (d) All four corners of a Banner sign shall be securely attached to the wall or façade of the principal building.

Section 15 – Awning Sign

- (a) An Awning sign shall be permitted as long as it complies with the following requirements:

1. The sign face of an Awning sign located on a principal building devoted to a residential use may not exceed two (2) percent of the area of the awning upon which it is located.
2. The sign face of an Awning sign located on a principal building devoted to a non-residential use may not exceed thirty (30) percent of the area of the awning upon which it is located, or four hundred (400) square feet, whichever is less.

3. The sign face of an Awning sign located on an accessory building serving a nonresidential use may not exceed five (5) percent of the area of the awning upon which it is located, or one hundred (100) square feet, whichever is less.

4. An Awning sign shall not extend above, below, or beyond the perimeter of the face of the awning to which it is attached.

(b) A building shall not have an Awning sign and an Attached sign on the same side of the building. No more than one sign shall be located on an awning.

Section 16 – Gasoline Canopy Sign

(a) A Gasoline Canopy sign shall be permitted on a lot used as an establishment where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into fuel tanks as long as it complies with the following requirements:

1. The sign face of a Gasoline Canopy sign shall not exceed fifteen (15) square feet.

2. A Gasoline Canopy sign shall not extend above, below or beyond the perimeter of the face of the canopy to which it is attached.

(b) A Gasoline Canopy sign may not be illuminated by internal lighting. Exterior letters with exposed neon lighting shall not be used.

Section 17 – Temporary Signs

(a) Except as otherwise provided in this Section, a Temporary sign shall be permitted on a lot in any district, as long as it complies with the following requirements:

1. A real estate sign may be placed in the front yard of a lot, advertising the property for sale, lease or rent. The maximum height of the real estate sign shall be eight (8) feet and the maximum width of the real estate sign shall be four (4) feet. If the lot abuts more than one street then a real estate sign may be placed in each front yard.

2. A construction sign may be placed in the front yard of a lot, identifying the job site and announcing the construction or remodeling of a building or structure on the lot. The maximum height of the construction sign shall be four (4) feet. If the lot abuts more than one street then a construction sign may be placed in each front yard. Upon completion of construction, the construction sign shall be removed.

3. A development sign may be placed on property that is being developed, identifying the development. The maximum height of the development sign shall be eight (8) feet and the maximum width of the development sign shall be six (6) feet. If the development exceeds thirty acres then one additional development sign may be placed on the property being developed, for each thirty acres or part thereof. Upon completion of the development, all development signs shall be removed.

4. One or more non-illuminated political signs may be placed on a lot with the property owner's permission. One or more non-illuminated political signs may be placed on any lot that is used as a polling place in the area designated by the Election officer in

accordance with state and federal law, beginning on the 18th day prior to an election date and continuing to the end of the day following the election. The maximum height of the political sign shall be eight (8) feet and the maximum width of the political sign shall be four (4) feet. Except as otherwise provided in this subsection, the political sign shall be removed within ten (10) days after the date of the primary election, run-off election, general election or referendum it concerns, unless the candidate remains a viable candidate for the office sought and there are subsequent elections within the same election period.

- (b) A Temporary sign shall be located a minimum of five (5) feet from any lot line.
- (c) A Temporary sign shall not be placed in a public easement or right of way.
- (d) A building permit is not required to place a temporary sign on a lot in accordance with this section

Section 18 – Sandwich Board Sign

A Sandwich Board sign shall be permitted as long as it complies with the following requirements:

- (a) The maximum height of a Sandwich Board sign shall be four (4) feet.
- (b) The maximum width of a Sandwich Board sign shall be three (3) feet.
- (c) The maximum area of a Sandwich Board sign shall be twenty four (24) square feet per sign, with a maximum area per sign face of twelve (12) square feet.
- (d) A Sandwich Board Sign shall be located a minimum of five (5) feet from any lot line.
- (e) A Sandwich Board Sign shall not be placed in a public easement or right-of-way or on a sidewalk so as to obstruct any part of the sidewalk in violation of the Americans with Disabilities Act.

ARTICLE 6 RULES OF CONSTRUCTION

SECTION 1 – SEVERABILITY

If any article, part, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutionally by any court of competent jurisdiction then such portion of this Ordinance shall be deemed a separate and independent provision and shall not affect the validity of the remaining portions of this Ordinance.

APPROVED THIS 27th DAY OF May, 2010 BY THE CITY COUNCIL OF THE CITY OF
NOONDAY, TEXAS.

/s/ Mike Turman

Mike Turman, Mayor

City of Noonday

ATTEST:

/s/ Carolyn Meyer

Carolyn Meyer, Secretary

City of Noonday

**ADDENDUM TO ORDINANCE 2 (Zoning) 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 (Zoning) 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