

## VIA TELEPHONE CONFERENCE

**NOTICE IS HEREBY GIVEN** in accordance with order of the Office of the Governor issued March 16, 2020, the Planning and Zoning Commission of the City of Benbrook will conduct its Regular Meeting scheduled for **7:30 p.m.** on **Thursday, February 11, 2021**, in the City Council Chambers, 911 Winscott Road, Benbrook, Texas by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (Covid-19). While this meeting is open to the public, social distancing and wearing of masks will be enforced.

*For this meeting, the presiding officer will be physically present at the location described above. However, one or all other members of the Planning and Zoning Commission may participate in this meeting remotely through telephone conference providing for two-way audio communication for each member of the Planning and Zoning Commission.*

This Notice and Meeting Agenda, and the Agenda Packet, are posted online at <http://www.benbrook-tx.gov/AgendaCenter>.

The public toll-free dial-in number to participate in the telephonic meeting is: 1-866-894-9011 or local number 817-443-6248.

The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting.

This meeting will be recorded, and the recording will be available to the public in accordance with the Open Meetings Act upon written request.

**AGENDA  
BENBROOK PLANNING AND ZONING COMMISSION  
THURSDAY, FEBRUARY 11, 2021  
911 WINSCOTT ROAD  
PRE-COMMISSION WORK SESSION, 7:00 P.M.  
CENTRAL CONFERENCE ROOM**

1. Review and Discuss Items for the Regular Meeting

**REGULAR MEETING, 7:30 P.M.  
COUNCIL CHAMBERS  
ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION**

**I. CALL TO ORDER**

**II. CITIZEN COMMENTS ON ANY AGENDA ITEM**

**III. MINUTES**

**A. Approve Minutes Of The Regular Meeting Held On January 14, 2021.**

Documents:

[PZ MINUTES 01142021.PDF](#)

**IV. REPORTS BY CITY STAFF**

**A. Zoning Text Amendment**

1. ZTA-21-01 - Consider an ordinance amending Title 17 - Zoning of the Benbrook Municipal Code by amending Chapter 17.92 - Sign Regulations modifying regulations to freestanding signs. [PUBLIC HEARING]

Documents:

[ZTA-21-01 - STAFF REPORT.PDF](#)  
[ZTA-21-01 ATTACHMENTS.PDF](#)

**V. COMMISSION MEMBER AND STAFF COMMENTS**

A. Announcements from Planning and Zoning Commission members and City Staff may be made for items to include: expression of thanks; congratulations; condolence; recognition of public officials, employees or citizens; information regarding holiday schedules; reminders of community events or announcements involving an imminent threat to the public health and safety of the municipality that has arisen after the posting of the agenda. No discussion or formal action may be taken on these items at this meeting.

**VI. ADJOURNMENT**

**MINUTES  
OF THE MEETING OF THE  
CITY OF BENBROOK  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
THURSDAY, JANUARY 14, 2021**

The regular meeting of the Planning and Zoning Commission of the City of Benbrook was held on Thursday, January 14 2021, at 7:30 p.m. in the Council Chambers at 911 Winscott Road with the following members present:

David Ramsey-via Telephone Conference  
John Logan-via Telephone Conference  
Alex Newman-via Telephone Conference  
Brandon Ellison-via Telephone Conference  
Jon Craver-Presiding Officer  
Hunter Brauer-via Telephone Conference  
Leah Rodriguez-via Telephone Conference  
Damon Farrar-via Telephone Conference

Absent: Matthew Wallis

Also present: Jim Hinderaker Assistant City Manager  
Doug Howard City Planner  
Caroline Stewart Assistant City Planner,  
Acting Recording Secretary

**I. CALL TO ORDER**

The presiding officer, Vice Chair Craver, called the meeting to order at 7:30 p.m.

**II. CITIZEN COMMENTS ON ANY AGENDA ITEM**

The presiding officer asked for any citizen comments on any agenda item, including those participating via telephone conference. There were no calls and no one in attendance spoke.

**III. MINUTES**

**A. Approve Minutes of the Regular Meeting Held on December 10, 2020.**

Motion by Commissioner Logan to approve the minutes of the December 10<sup>th</sup> meeting. Seconded by Commissioner Ramsey. The presiding officer called the question.

Vote on the motion:

Ayes: Mr. Ramsey, Mr. Logan, Mr. Newman, Mr. Ellison, Mr. Craver, Mr. Brauer, and Ms. Rodriguez

Noes: None

Abstain: Mr. Farrar

Motion carried: 7 – 0 – 1

#### IV. REPORTS OF CITY STAFF

##### A. Meritorious Exception

- 1) ME-21-01 – A request for approval of a meritorious exception for a proposed 12,300 square foot building (Sonshine Pre-School) in connection with Restoration Family Church located at 10201 Jerry Dunn Parkway. The applicant is requesting to deviate from the architectural standards for non-residential buildings listed in Section 17.84.100 of the Benbrook Municipal Code. The property is zoned “CF” Community Facilities District and is legally described as Lot 1, Block 5, Whitestone Ranch Addition Phase I Addition. [PUBLIC HEARING]

Caroline Stewart, Assistant City Planner, presented the staff report and informed the Commission that the applicant withdrew the request to waive the screening requirements of the ground mounted mechanical equipment.

Commissioner Ramsey asked if the applicant is required to provide more parking for the new building on the property. Caroline Stewart explained the parking numbers have been reviewed and they will not have to provide more parking as they are already meeting all parking requirements.

The applicant, Lonnie Huett, was available for questions. There were no questions from the Commission for the applicant.

The presiding officer asked for public comment at 7:44pm. The applicant, Lonnie Huett, came to the podium to provide support and encourage approval of this case. Gayle Prevost, 7505 Whitestone Ranch Rd, asked a question about zoning requirements, unrelated to the Meritorious Exception request. Staff offered to meet with her after the presentation to answer all her questions. The presiding officer closed the public comment period at 7:48pm.

Motion by Commissioner Logan to approve the proposed meritorious exception to deviate from the architectural standards for non-residential buildings, as presented. Seconded by Commissioner Rodriguez. The presiding officer called the question:

Vote on the motion:

Ayes: Mr. Ramsey, Mr. Logan, Mr. Newman, Mr. Ellison, Mr. Craver, Mr. Brauer, Ms. Rodriguez, and Mr. Farrar

Noes: None

Abstain: None

Motion carried: 8 – 0 – 0

##### B. Walnut Creek at Benbrook

- 1) P-21-01 - A request to approve a preliminary plat for approximately 61 acres of land situated in the Hays Covington Survey, Abstract Number 257, J. Stephens Survey, Abstract Number 1494 and Lot 1, Block 7, Brookside at Benbrook Field Phase I Addition, Tarrant County, Benbrook, Texas. The property is zoned “D” Multiple-Family District and “BR-PD” One-Family Reduced Planned Development District. The property is generally located southwest of the intersection of Vista Way and I.H. 20/820 frontage road. [PUBLIC HEARING]

Doug Howard, City Planner, presented the staff report and recommended approval to the Planning and Zoning Commission.

The applicant, Ryan Alcala – Jones Carter, was available for questions. There were no questions from the Commission for Mr. Alcala.

The Chair asked for public comment at 8:03pm. Jim Gilmore (8912 Armstrong Ct) asked for clarification for where the single family zoned area and multi-family zoned area are located and if the quality of the proposed apartments would be similar to those of the Aura Apartment Complex. Staff responded that the applicant is available for any construction quality queries, but Mr. Gilmore declined to ask the applicant more questions. Mr. Gilmore also stated concern about crime associated with apartment complexes. David Hafer (569 Sterling Dr) questioned the ownership of the parkland lots in Brookside PH1. Staff responded by stating the parkland was dedicated to the City via plat and Tarrant County failed to catch the dedication. Staff is working towards fixing the ownership error. Tom Casey (9012 Inwood St) agreed with the previous comments and had the following concerns: 1) drainage associated with the multi-family development and 2) overcrowding in the local schools. The presiding officer closed the public comment period at 8:22pm.

Motion by Commissioner Logan to approve Preliminary Plat request number P-21-01, subject to staff comments as contained in the staff report and attachments. Seconded by Commissioner Farrar. The presiding officer called the question:

Vote on the motion:

Ayes: Mr. Ramsey, Mr. Logan, Mr. Newman, Mr. Ellison, Mr. Craver, Mr. Brauer, Ms. Rodriguez, and Mr. Farrar

Noes: None

Abstain: None

Motion carried: 8 – 0 – 0

## **V. COMMISSION MEMBER AND STAFF COMMENTS**

A. Announcements from Planning and Zoning Commission members and City staff may be made for items to include: expression of thanks; congratulations; condolence; recognition of public officials, employees or citizens; information regarding holiday schedules; reminders of community events or announcements involving an imminent threat to the public health and safety of the municipality that has arisen after the posting of the agenda. No discussion or formal action may be taken on these items at this meeting.

Commissioner Logan welcomed and congratulated the new commission members, thanked staff for providing information and educating the commission thoroughly, and is looking forward to working with everyone in 2021.

Commissioner Craver welcomed the new commission members, stated how the commission is a great opportunity, and looks forward to working with everyone.

## **VI. SELECTION OF CHAIR AND VICE CHAIR**

Motion by Commissioner Logan to elect Commissioner Craver as Chair of the Planning and Zoning Commission. Seconded by Commissioner Ramsey. The Chair called the question:

Vote on the motion:

Ayes: Mr. Ramsey, Mr. Logan, Mr. Newman, Mr. Ellison, Mr. Craver, Mr. Brauer, Ms. Rodriguez, and Mr. Farrar

Noes: None

Abstain: None

Motion carried: 8 – 0 – 0

Motion by Commissioner Ramsey to elect Commissioner Logan as Vice Chair of the Planning and Zoning Commission. Seconded by Commissioner Brauer. The Chair called the question:

Vote on the motion:

Ayes: Mr. Ramsey, Mr. Logan, Mr. Newman, Mr. Ellison, Mr. Craver, Mr. Brauer, Ms. Rodriguez, and Mr. Farrar

Noes: None

Abstain: None

Motion carried: 8 – 0 – 0

## VII. ADJOURNMENT

The presiding officer adjourned the meeting at 8:31 p.m.

**APPROVED** \_\_\_\_\_, **2021**

\_\_\_\_\_  
**Chair/Presiding Officer**



# City of Benbrook

## Planning and Zoning Commission

DATE:  
02/11/2021

REFERENCE  
NUMBER:  
ZTA-21-01

SUBJECT:  
Consider Amendments to City Sign  
Regulations of Title 17 – Zoning of the  
Benbrook Municipal Code.

PAGE:  
1 of 1

### Summary

The draft ordinance proposes the following amendments to the sign ordinance affecting the “F,” “G,” “HC,” “MU,” and “H” zoning districts:

- Changeable copy/electronic signs.
  - Limits changeable copy signs to only one freestanding sign per property.
  - Limits the size of the changeable copy/electronic messaging area to no more than 50% of the total sign area or 50SF, whichever is less.
- Increase the maximum height of one (1) monument sign per property from 6FT to 10FT and limits the maximum width of all monument signs to 12FT.

### Staff Recommended Motion

Move to recommend City Council adopt the zoning ordinance text amendment, as presented.

### Next Steps

- Consideration by City Council

### Attachments

1. Draft Ordinance
2. Current Sign Regulations

**ORDINANCE NO.**

**AN ORDINANCE AMENDING TITLE 17 - ZONING OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY AMENDING CHAPTER 17.92 – SIGN REGULATIONS MODIFYING FREESTANDING SIGN REGULATIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Benbrook is a home rule city acting under its own charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, Chapter 211 of the Local Government Code authorizes municipalities to regulate land use, structures, businesses, and related activities within its corporate limits for the purpose of promoting the public health, safety and general welfare of the community and protecting and preserving places and areas of historical, cultural and architectural importance and significance; and

**WHEREAS**, the City has previously adopted zoning regulations as Title 17 of the Benbrook Municipal Code (1985), as amended through Ordinance 1459; and

**WHEREAS**, a public hearing was held concerning this amendment, Case No. ZTA-21-01, by the Planning and Zoning Commission on the 11<sup>th</sup> day of February 2021 and by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_ 2021; and

**WHEREAS**, the City Council has given published notice and held public hearings with the respect to the amendment to the Zoning Ordinance as required by law; and

**WHEREAS**, the City Council now deems the provisions of the present zoning regulations inadequate, because of changing conditions since its passage, to accomplish the foregoing objectives, and that said Title 17 shall be amended and superseded by the provisions of this ordinance; and

**WHEREAS**, the City Council finds that sign regulations enhance the economic viability of the community, while protecting the City and its citizens from a proliferation of signs of a type, size, number, location and character that would adversely impact upon the aesthetics of the community or threaten the health, safety and welfare of the community; and

**WHEREAS**, the City Council finds that the appropriate regulation of the physical characteristic of signs in the City and other communities has had a positive impact on the safety and the appearance of the community and facilitate economic development; and

**WHEREAS**, the City Council desires to address the latest and emerging technologies in the sign industry, such as electronic message centers in a way that allows persons and business to convey and communicate while also protecting the use and character of neighborhoods, enhancing the function and appearance of the city's commercial corridors, and promoting the city's character and design objectives; and

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



## **SECTION 1**

That Section 17.92.090.A.1.c from Chapter 17.92 – Sign Regulations of Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, is hereby amended in its entirety to read as follows:

- c. Changeable Copy Signs. Allowed on one (1) freestanding sign per property. Changeable copy signs are regulated as follows:
  - i. Dwell Time: Changeable copy signs, whether electronic, digital, manual or automatic that changes more frequently than one (1) frame every thirty (30) seconds shall be prohibited.
  - ii. Transition: The duration or interval of time between each individual advertisement, message or picture is a maximum of two (2) seconds and shall not include fading, movement, or other electronic effects.
  - iii. Dim Control: Changeable copy signs shall have a sensor or other device, manual or automatic, that adjusts the brightness of the sign to be no more than three-tenths foot-candles greater than ambient light conditions when measured at the closest property line.
  - iv. Prohibited Content: No portion of a changeable copy sign may scroll, fluctuate in light intensity, use sudden transitory bursts or create the illusion of movement.
  - v. Maintenance: Any changeable copy sign using electronic or electro-mechanical technology which malfunctions, fails, or ceases to operate in its usual or normal programmed manner in accordance with these regulations shall be repaired or disconnected within forty-eight hours by the owner or operator of such sign.
  - vi. Conformity: A changeable copy sign cannot be installed on an existing sign that is nonconforming unless the entire sign is brought into compliance with all applicable provisions of this chapter.
  - vii. Area: Changeable copy may not exceed fifty percent (50%) of the total sign area or fifty (50) square-feet, whichever is less.

## **SECTION 2**

That Section 17.92.090.B.1.b from Chapter 17.92 – Sign Regulations of Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, is hereby amended to read as follows:

- b. Monument Signs. The signs shall not exceed a sign area of one hundred twenty square feet and shall not exceed six (6) feet in height and twelve (12) feet in width. The sign shall be low profile, made of stone, concrete, metal, brick or similar materials or combination of materials, which repeats or harmonizes with the architecture of the establishment it serves. The sign must include a solid masonry base, at least twelve (12) inches in height, and which has no clear space for the full width of the sign between the bottom of the sign and the ground. The above ground portion of the base is considered part of the total allowable height of the sign. The sign shall be no less than five (5) feet from any property line.
  - i. Exception. One (1) monument sign per property may have a maximum height of ten (10) feet.

## **SECTION 3**

That Section 17.92.090.B.1.c from Chapter 17.92 – Sign Regulations of Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, is hereby amended in its entirety to read as follows:

- c. Changeable Copy Signs. Allowed on one (1) freestanding sign per property. Changeable copy signs are regulated as follows:
  - i. Dwell Time: Changeable copy signs, whether electronic, digital, manual or automatic that changes more frequently than one (1) frame every thirty (30) seconds shall be prohibited-
  - ii. Transition: The duration or interval of time between each individual advertisement, message or picture is a maximum of two (2) seconds and shall not include fading, movement, or other electronic effects.
  - iii. Dim Control: Changeable copy signs shall have a sensor or other device, manual or automatic, that adjusts the brightness of the sign to be no more than three-tenths foot-candles greater than ambient light conditions when measured at the closest property line.
  - iv. Prohibited Content: No portion of a changeable copy sign may scroll, fluctuate in light intensity, use sudden transitory bursts or create the illusion of movement.
  - v. Maintenance: Any changeable copy sign using electronic or electro-mechanical technology which malfunctions, fails, or ceases to operate in its usual or normal programmed manner in accordance with these regulations shall be repaired or disconnected within forty-eight hours by the owner or operator of such sign.
  - vi. Conformity: A changeable copy sign cannot be installed on an existing sign that is nonconforming unless the entire sign is brought into compliance with all applicable provisions of this chapter.
  - vii. Area: Changeable copy may not exceed fifty percent (50%) of the total sign area or fifty (50) square-feet, whichever is less.

#### **SECTION 4**

That Section 17.92.090.C.1.b from Chapter 17.92 – Sign Regulations of Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, is hereby amended to read as follows:

- b. Monument Signs. The signs shall not exceed a sign area of one hundred twenty square feet and shall not exceed six (6) feet in height and twelve (12) feet in width. The sign shall be low profile, made of stone, concrete, metal, brick or similar materials or combination of materials, which repeats or harmonizes with the architecture of the establishment it serves. The sign must include a solid masonry base, at least twelve (12) inches in height, and which has no clear space for the full width of the sign between the bottom of the sign and the ground. The above ground portion of the base is considered part of the total allowable height of the sign. The sign shall be no less than five (5) feet from any property line.
  - i. Exception. One (1) monument sign per property may have a maximum height of ten (10) feet.

#### **SECTION 5**

That Section 17.92.090.C.1.c from Chapter 17.92 – Sign Regulations of Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, is hereby amended in its entirety to read as follows:

- c. Changeable Copy Signs. Allowed on one (1) freestanding sign per property. Changeable copy signs are regulated as follows:
  - i. Dwell Time: Changeable copy signs, whether electronic, digital, manual or automatic that changes more frequently than one (1) frame every thirty (30) seconds shall be prohibited-

- ii. Transition: The duration or interval of time between each individual advertisement, message or picture is a maximum of two (2) seconds and shall not include fading, movement, or other electronic effects.
- iii. Dim Control: Changeable copy signs shall have a sensor or other device, manual or automatic, that adjusts the brightness of the sign to be no more than three-tenths foot-candles greater than ambient light conditions when measured at the closest property line.
- iv. Prohibited Content: No portion of a changeable copy sign may scroll, fluctuate in light intensity, use sudden transitory bursts or create the illusion of movement.
- v. Maintenance: Any changeable copy sign using electronic or electro-mechanical technology which malfunctions, fails, or ceases to operate in its usual or normal programmed manner in accordance with these regulations shall be repaired or disconnected within forty-eight hours by the owner or operator of such sign.
- vi. Conformity: A changeable copy sign cannot be installed on an existing sign that is nonconforming unless the entire sign is brought into compliance with all applicable provisions of this chapter.
- vii. Area: Changeable copy may not exceed fifty percent (50%) of the total sign area or fifty (50) square-feet, whichever is less.

## **SECTION 6 CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Benbrook, Texas (1985), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

## **SECTION 7 SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council 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 shall 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, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

## **SECTION 8 PENALTY CLAUSE**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

## **SECTION 9 SAVINGS CLAUSE**

All rights and remedies of the City of Benbrook are expressly saved as to any and all violations of the provisions of the Benbrook Municipal Code (1985), as amended, or any ordinances regulating platting or Zoning which have accrued at the time of the effective date of this

ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 10  
PUBLICATION IN PAMPHLET FORM**

The City Secretary of the City of Benbrook is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

**SECTION 11  
ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Benbrook is hereby directed to engross and enroll the ordinance by copying the caption, penalty clause, and effective date clause of this ordinance in the minutes of the City Council and by filing the ordinance in the ordinance records of the City.

**SECTION 12  
PUBLICATION IN OFFICIAL NEWSPAPER**

The City Secretary of the City of Benbrook is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, as authorized by Section 52.013 of the Local Government Code.

**SECTION 13  
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and it is so ordained

PASSED AND APPROVED this \_\_\_\_\_ day \_\_\_\_\_ of 20\_\_\_\_\_.

\_\_\_\_\_  
Jerry B. Dittrich, Mayor

ATTESTED BY:

\_\_\_\_\_  
Joanna King, City Secretary

## Current Sign Regulations

### Freestanding Signs.

Properties shall have no more than one freestanding sign per 100 feet of street frontage. Each freestanding sign shall be no less than 50 feet from each other on the same property or within the boundaries of a unified development. A property with multiple tenants are permitted a 10% increase over the maximum sign area allowed for each additional tenant, up to a maximum of 100%; only one sign per property may qualify for the multiple tenant increase. No portion of the sign or structure may be located within any easement or visibility triangle.

### Monument Signs.

The signs shall not exceed a sign area of one 120 square feet and shall not exceed 6 feet in height. The sign shall be low profile, made of stone, concrete, metal, brick or similar materials or combination of materials, which repeats or harmonizes with the architecture of the establishment it serves. The sign must include a solid masonry base, at least 12 inches in height, and which has no clear space for the full width of the sign between the bottom of the sign and the ground. The above ground portion of the base is considered part of the total allowable height of the sign. The sign shall be no less than 5 feet from any property line

### Changeable Copy Signs.

Allowed on any freestanding sign. Signs are regulated as follows:

- Dwell Time: Changeable copy signs, whether electronic, digital, manual or automatic that changes more frequently than 1 frame every 30 seconds shall be prohibited, except those displaying time and temperature information only.
- Transition: The duration or interval of time between each individual advertisement, message, or picture is a maximum of 2 seconds and shall not include fading, movement, or other electronic effects.
- Dim Control: Changeable copy signs shall have a sensor or other device, manual or automatic, that adjusts the brightness of the sign to be no more than three-tenths foot-candles greater than ambient light conditions when measured at the closest property line.
- Prohibited Content: No portion of a changeable copy sign may scroll, fluctuate in light intensity, use sudden transitory bursts, or create the illusion of movement.
- Maintenance: Any changeable copy sign using electronic or electro-mechanical technology which malfunctions, fails, or ceases to operate in its usual or normal programmed manner in accordance with these regulations shall be repaired or disconnected within 48 hours by the owner or operator of such sign.
- Conformity: A changeable copy sign cannot be installed on an existing sign that is nonconforming unless the entire sign is brought into compliance with all applicable provisions of this chapter.