

CITY OF STEPHENVILLE, TEXAS
ZONING REGULATIONS REGARDING OFF PREMISES BILLBOARDS

- A. Purpose.** Billboards are recognized as a legitimate form of commercial use in the City. However, the size, number, location and illumination of billboards can have significant influence on the City's visual environment, but may, without adequate zoning control, create or contribute to visual blight conditions negatively affecting the quality of life in the community. The purpose of this zoning section is to provide reasonable billboard control, recognizing that community appearance is an important factor in ensuring the general community welfare. This section contains the majority of the City's zoning regulations with respect to installation of and operation of billboards in the Billboard Overlay Zone of the City of Stephenville, Texas where billboards may be allowed. Billboards in existence on the effective date of this ordinance may continue to legally exist and be maintained pursuant to this ordinance but shall be subject to the terms of the ordinance as stated in the ordinance.
- B. Definitions.** The following definitions are applicable to this zoning regulation. The term "Billboard", as used in this ordinance means any off premise location of a static billboard and any location of an Electronic Billboard either of which is located in a Billboard Overlay Zone of the City of Stephenville, Texas. All such Billboards shall be governed by the regulations of this ordinance and any other applicable ordinance of the City of Stephenville, TX. In the event of any conflict between regulations, the terms of this ordinance shall take precedence over any conflicting or ambiguous terms as far as the terms relate to Billboards.

The term "**The Static Billboard**" means a static or revolving freestanding sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located. This includes, but is not limited to, building graphics, and wall drop signs containing off-site messages, and billboards painted or applied to building walls. The terms "billboard" and "off premises sign" may be used interchangeably to mean the same thing.

The term "**Electronic Billboard**" means a billboard, utilizing digital message technology, capable of changing the static message or copy on the sign electronically, such that the alphabetic, pictographic, or symbolic informational content of which can be changed or altered on a fixed display surface composed of electronically illuminated or electronically actuated or motivated elements can be changed or altered electronically. An electronic billboard may be internally or externally illuminated. This includes billboards with displays that must be preprogrammed to display only certain types of information (i.e., time, date, temperature) and billboards whose informational content can be changed or altered by means of computer-driven electronic impulses. This includes, without limitation, billboards also known as digital billboards or LED billboards.

The term "**Billboard Overlay Zone**" or "**BOZ**" means a zone map that has been approved by the City Council of the City of Stephenville, TX which overlays an existing industrial or commercial zone, and that allows for the placement of billboards that conform to this ordinance in that zone. The term "Mobile Billboard Advertising Display" means any Billboard installed upon, mounted, attached, or applied to any motor vehicle, non-motorized vehicle, bicycle, scooter, or trailer or other equipment whose primary purpose is conveyance, transportation, or support of the billboard message surface; provided however, the term does not include advertising signs painted on a motor vehicle door.

C. General Requirements.

1. **Location Restriction.** Billboards shall be allowed in the BOZ, only after a development agreement has been approved by the City Manager. A development agreement shall be entered into prior to approval of any project involving installation or construction of a new billboard, expansion, modification, or digitization of a billboard, or addition of additional face(s) to a billboard.
2. **Pre-Ordinance Billboard Locations.** A Billboard or digital Billboard in existence on the effective date of this ordinance pursuant to a development agreement (including any amendments or extensions thereof) may be relocated and rebuilt within 100 feet of its existing location within the BOZ.

D. Billboard Overlay Zone (BOZ). For purposes of this ordinance the Billboard Overlay Zone for the City of Stephenville, TX is established as follows:

1. **Extraterritorial Jurisdiction.** From the City Limits of City of Stephenville, TX as established from time to time throughout the extraterritorial jurisdiction of City of Stephenville, TX.

E. Authorized Locations. Billboards shall be allowed only in the BOZ, and shall not be permitted in any location, which would result in violation of any applicable federal, state or local law.

1. No Billboard will be approved without the applicant first providing proof of lease, easement or other entitlement demonstrating the right to install the Billboard on the subject property, including the written consent of the property owner if not readily ascertainable from the foregoing documents.
2. No Billboard will be approved, and no Billboard may be maintained, unless a designated maintenance service or responsible individual is available 24/7, by telephone, to be contacted and to respond in the event a Billboard becomes damaged or dilapidated.
3. Texas Department Permit. Notwithstanding other provisions, no permit under this ordinance shall be issued for a Billboard governed by Transportation Code, Chapter 391 unless the Texas Department of Transportation has issued a permit for the Billboard location. In the event of any conflict between the requirements of Transportation Code, Chapter 391, the provision with the more stringent regulation shall be applicable.

F. Physical Requirements.

1. **Minimum distances.** The minimum distance between any two (2) billboards, shall be 1,000 feet if placed on a Federal or State highway as authorized by this ordinance Distance shall be measured from the vertical centerline of each billboard and parallel to the highway or street toward which the billboards are oriented. The minimum distance requirements shall not be applicable to Billboards in existence on the date this ordinance was adopted.
2. **Utilities.** All utilities for each Billboard shall be underground.
3. **Display Surface.** No Billboard (except Electronic Billboard) shall have more than one (1) face (display surface) which shall be oriented in the one (1) vertical plane.
4. **Name of Owner.** All Billboards shall plainly display (to be visible from no less than 100 feet) the name of the person or company owning or maintaining it and the Billboard identification number.

5. **Minimum Surface Clearance and Maximum Height.** All Billboards shall have a minimum surface clearance from ground level of eight (8) feet unless the Billboard projects over a driveway or driving aisle in which event the minimum surface clearance shall be sixteen (16) feet. No Billboard shall exceed the maximum (thirty-five) 35 feet in height.

G. Operational Requirements.

1. No Billboard shall display any statements, words or images of an “obscene, indecent, or immoral character,” as that phrase is defined by existing judicial decisions interpreting the terms.
2. No Billboard shall display any advertising of any drugs, including, but not limited to, marijuana, tobacco products; or adult-sexual products, nor shall any Billboard display adult novelty items, nude or partial nude images, adult books, adult magazines, adult videos, adult DVDs or tapes of a sexual nature.
3. All digital billboard must be connected to the National Emergency Network and provide emergency information, including child abduction alerts (i.e., “Amber Alerts”), in accordance with local and regional first responder protocols.
4. No Billboard shall be installed within 300’ of a Residential Zoned District.
5. Digital Billboard Operating Criteria.
 - a. All digital Billboards shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement during the required static display period. Each static message shall not include flashing lighting or the varying of light intensity during the required static display period
 - b. Minimum Static Display Period. Each static display period for a message on an electronic Billboard must be displayed for a minimum of four (4) seconds each but in no event less than the time required by Texas Department of Transportation if the regulation exceeds four (4) seconds.
 - c. **Brightness.** All digital Billboards shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a preset distance. Each digital billboard must have a light sensing device that will adjust the brightness as ambient light conditions change.
 - d. **Measurement Distance Criteria.** All digital Billboards shall follow the following face size to distance requirements.

Nominal Face Size	Distance to be measured from:
12’ x 25’	150’
10’6” x 36’	200’
14’ x 48’	250’
20’ x 60’ or 25’ x 48’	350’

6. **Malfunction.** All digital Billboard shall be designed to freeze the display in 1 static position, display a full black screen, or turn off, in the event of a malfunction.

7. **Billboard Base.** All Billboards shall have walls or screens at the base of each Billboard which shall not create a hazard to public safety or provide an attractive nuisance and each Billboard base shall be continually maintained by its owner so that it is operated in a safe manner and is maintained free of graffiti.
8. **Penalty.** Any person violating any of the provisions of this subchapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than \$200.00
9. **Safety and Legal Compliance.** All Billboards shall not be operated in a manner that constitutes a hazard to the public or in a manner that is not safe for the operation of vehicles on public streets.

No billboard shall simulate or imitate any directional, warning, danger or information sign, or any display likely to be mistaken for any permitted sign intended or likely to be construed as giving warning to traffic, by, for example, the use of the words "stop" or "slow down."

No Billboard may use any red or blinking or intermittent light likely to be mistaken for warning or danger signals nor shall any Billboard illuminate to impair the vision of travelers on the adjacent freeway and/or roadways.

All Billboards must comply with all applicable local, state, and federal laws and regulations.

EXHIBIT 'A'

