

**ORDINANCE NO. 2006-18**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING ALL OF PARAGRAPH (c) OF SECTION 60-8 THEREOF AND SUBSTITUTING THEREFOR A NEW PARAGRAPH (c) OF SECTION 60-8, AND BY DELETING ALL OF SUBPARAGRAPH (3) OF PARAGRAPH (b) OF SECTION 60-9 THEREOF AND SUBSTITUTING A NEW SUBPARAGRAPH (3) OF PARAGRAPH (b) OF SECTION 60-9; PROVIDING MINIMUM DISTANCE SEPARATION PROVISIONS APPLICABLE TO ON-PREMISE GROUND SIGNS AND OFF-PREMISE GROUND SIGNS; PROVIDING OTHER PROVISIONS RELATED TO THE SUBJECT; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2000 FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.**

\* \* \* \* \*

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:**

Section 1. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting all of paragraph (c) of Section 60-8 thereof and substituting therefore a new paragraph (c) of Section 60-8 to provide as follows:

**“Sec. 60-8. On-premises sign provisions.**

. . .

(c) On-premises ground signs shall be permitted as follows:

(1) One on-premises ground sign shall be permitted on a lot, tract, or parcel of land for each 100 feet of frontage on a public street, provided that there is a minimum separation of 100 feet between ground signs (on-premises and off-premises) located on the same lot, tract, or parcel of land, measured in a straight line from the base of each sign structure. Each lot, tract, or parcel of land shall, in any event, be entitled to at least one on-premises ground sign.

(2) A lot, tract, or parcel of land having frontage on more than one public street shall be entitled to one on-premises ground sign on each frontage, notwithstanding the provisions of paragraph (1) above, provided the frontage on which the sign is located measures at least 50 feet and there is a minimum separation between ground signs (on-premises and off-premises) of 100 feet, measured along the property line at the street frontage.

(3) An integrated business development shall be permitted one on-premises ground sign for each five entities, with a maximum sign area of 300 square feet plus 50 square feet for each entity in the development identified on such sign in excess of five. Provided, further, if more than one on-premises ground sign is permitted hereby, there shall be separation between ground signs (on-premises and off-premises) of a minimum distance of 100 feet, measured in a straight line from the base of each sign structure.”

Section 2. The Code of Ordinances of the City of Tomball, Texas, is hereby further amended by deleting all of subparagraph (3) of paragraph (b) of Section 60-9 thereof and substituting therefor a new subparagraph (3) of paragraph (b) of Section 60-9 to provide as follows:

**“Sec. 60-9. Off-premises sign provisions.**

...

(b)(3) There shall be a minimum separation of 500 feet between the off-premises ground sign and any other off-premises sign, and a minimum separation of 100 feet between the off-premises sign and any on-premises ground sign. Such distance shall be measured by the shortest distance in a straight line between the two signs.”

Section 3. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. each day of violation shall constitute a separate offense.

Section 4. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have

passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6<sup>TH</sup> DAY OF NOVEMBER 2006.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN LAZENBY	<u>AYE</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN HARVEY	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20<sup>TH</sup> DAY OF NOVEMBER 2006.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN LAZENBY	<u>AYE</u>
COUNCILMAN FAGAN	<u>ABSENT</u>
COUNCILMAN HARVEY	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

(signed) H. G. Harrington  
H. G. HARRINGTON, Mayor

ATTEST:

(signed) Doris Speer  
DORIS SPEER, City Secretary