

**Ordinance amending Section 7.5 “Signs” of the Unified Development Code; and providing for penalty**

**WHEREAS**, in compliance with the Supreme Court ruling of Reed v. Town of Gilbert, Arizona (2015) the City of Corpus Christi’s Sign Code must be content neutral and protect the guaranteed right of free speech.

**WHEREAS**, the Planning Commission has recommended the City Council approve this amendment of the City of Corpus Christi, Texas ("City") Unified Development Code ("UDC");

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, July 11, 2018, during a meeting of the Planning Commission, and on Tuesday, August 21, 2018, during a meeting of the City Council, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, the City Council has determined that this amendment to the UDC would best serve the public's health, necessity, and convenience and the general welfare of the City and its citizens.

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

**SECTION 1.** Article 7, Section 7.5, subsection 7.5.1 entitled "Purposes" of the UDC is amended by adding the following language that is underlined (added) and deleting the language that is stricken (deleted) as delineated below:

**7.5.1. Purposes**

L. To ensure that the constitutionally guaranteed right to free speech is protected.

**SECTION 2.** Article 7, Section 7.5, subsection 7.5.3.E entitled "Accessory Freestanding Sign for Specific Uses" of the UDC is amended by adding the following language that is underlined (added) and deleting the language that is stricken (deleted) as delineated below:

E. Accessory Freestanding Sign for Specific Uses-Commercial Use



**SECTION 3.** Article 7, Section 7.5, subsection 7.5.8. entitled "Signs and Actions allowed without a Permit" of the UDC is amended by adding the following language that is underlined (added) and deleting the language that is stricken (deleted) as delineated below:

**7.5.8 Signs and Actions allowed without a Permit**

A. The following signs and actions related to signs are exempt from the permit requirements of this Section, but are subject to all other standards of this Section:

11. Noncommercial sign with an effective area less than 36 feet, less than eight feet in height, unilluminated, and without any moving elements.

B. The following defined and illustrated signs do not require a sign permit, but must comply with the standards stated in this Section and with all other applicable City regulations. If a district standard is stricter, that standard controls.

<p><b>Address Sign</b></p> <p>A wall sign that identifies <del>the</del> <u>an</u> occupant and <u>/or</u> address of a residential structure.</p> <p><b>Standards</b></p> <ul style="list-style-type: none"> <li>(1) There may be no more than two address signs per street frontage indicating the name and <u>/or</u> address of the occupants of a dwelling.</li> <li>(2) Address Signs may not exceed 2 square ft. in area.</li> </ul>	
<p><b>Political Sign</b></p> <p><del>A temporary sign that supports or opposes any political candidate, political issue, political referendum, or political party.</del></p> <p><b>Standards</b></p> <ul style="list-style-type: none"> <li><del>(1) Political signs may be placed only on private property.</del></li> <li><del>(2) Political signs may not block any intersection clear sight triangle.</del></li> <li><del>(3) Political signs may not be placed within the public right of way.</del></li> </ul>	

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**SECTION 4.** Article 7, Section 7.5, subsection 7.5.11 entitled "Signs Generally Prohibited but Allowed in Some Districts" of the UDC is amended by adding the following language that is underlined (added) and deleting the language that is stricken (deleted) as delineated below:

**7.5.11 Signs Generally Prohibited but Allowed in Some Districts**

Temporary Banners ~~for temporary promotional events containing commercial speech~~ are allowed on the premises of ~~for~~ churches, schools, and public buildings located in the FR through RS-TF districts, subject to limitations as set forth in Subsection 5.4.3.

**SECTION 5.** Article 7, Section 7.5, subsection 7.5.13.B entitled "Freestanding Signs" of the UDC is amended by adding the following language that is underlined (added) and deleting the language that is stricken (deleted) as delineated below:

**7.5.13.B. Freestanding Signs**

~~11. Any such sign may contain any message other than a commercial message. If a message relates to an election or special event, such sign may be removed within seven days following the conclusion of such election or other event.~~

**SECTION 6.** Article 7, Section 7.5, subsection 7.5.13.E entitled "Institutional Signs" of the UDC is amended by adding the following language that is underlined (added) and deleting the language that is stricken (deleted) as delineated below:

### 7.5.13.E. ~~Institutional~~ Freestanding and Wall Signs for Noncommercial Uses

1. Any noncommercial use such as a school, house of worship, recreation center or other ~~institutional Public or Civic U~~se permitted in the zoning district and fronts upon a designated arterial street or expressway, may have one freestanding sign, not to exceed 64 square feet in area and 20 feet in height. However, if the use fronts upon a designated local or collector street, the sign shall not exceed 40 square feet in area and 20 feet in height.

a. ~~Institutional f~~Freestanding signs for noncommercial use located on the premise may include changeable copy signs, not to exceed 30% of the sign area.

b. ~~Institutional f~~Freestanding signs for noncommercial use located on the premise may be illuminated.

d. ~~Institutional w~~Wall signs for noncommercial use located on the premise may not exceed 40 square feet each and may not be illuminated.

**SECTION 7.** Article 7, Section 7.5, subsection 7.5.14.A entitled " Wall and Freestanding Signs" of the UDC is amended by adding the following language that is underlined (added) and deleting the language that is stricken (deleted) as delineated below:

#### A. Wall and Freestanding Signs

3. For properties developed with single-family, duplex, townhome or ~~noncommercial institutional~~ uses, the restrictions stated in Subsection 7.5.13.E

**SECTION 8.** Article 7, Section 7.5, subsection 7.5.27 entitled "Definitions" of the UDC is amended by adding the following language that is underlined (added) and deleting the language that is stricken (deleted) as delineated below:

#### 7.5.27 Definitions

##### A. Definitions of Specific Words

Noncommercial Messages: ~~These include but are not limited to: signs expressing political views, religious views, support for a public educational or other institution, support for a noncommercial public event, or opposition or comment on any of the above. This definition may be broadly construed; there may be a rebuttal presumption that any sign not bearing a commercial message and bearing any other message at all is a noncommercial message, protected~~

under this code. Words, symbols, logos, pictures or any combination thereof that is not defined as a commercial message.

~~Sign: Any device, structure, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter which is used or intended to be used to attract attention, convey information, identify or advertise any establishment, product, goods or service when the same is placed out of doors in view of the general public. The term "sign" shall not include the flag or pennant, or insignia of any nation or association of nations, or of any state, city, or other political unit, or of any charitable, educational, philanthropic, civic, or religious organization.~~ A structure, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other object that is designated, intended, or used that includes text or images designed to communicate. Signs located completely within an enclosed building and not exposed to view from a street shall not be considered a sign. Each display surface of a sign or sign face must be considered a sign.

**SECTION 9.** If for any reason any section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this Ordinance shall be held to be invalid or unconstitutional by final judgment of a court of competent jurisdiction, such judgment shall not affect any other section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this Ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this Ordinance be given full force and effect for its purpose. The City Council hereby declares that it would have passed this Ordinance, and each section, paragraph, subdivision, sentence, clause, phrase, word, or provision thereof, irrespective of the fact that any one or more sections, paragraphs, subdivisions, sentences, clauses, phrases, words, or provisions be declared invalid or unconstitutional.

**SECTION 10.** A violation of this ordinance, or requirements implemented under this ordinance, constitutes an offense punishable as provided in Article 1, Section 1.10.1 of the UDC, Article 10 of the UDC, and Section 1-6 of the Corpus Christi Code of Ordinances.

**SECTION 11.** Publication shall be made in the City's official publication as required by the City's Charter.

**SECTION 12.** This ordinance is effective immediately upon passage.

That the foregoing ordinance was read for the first time and passed to its second reading on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

Joe McComb	_____	Ben Molina	_____
Rudy Garza	_____	Everett Roy	_____
Paulette Guajardo	_____	Lucy Rubio	_____
Michael Hunter	_____	Greg Smith	_____
Debbie Lindsey-Opel	_____		

That the foregoing ordinance was read for the second time and passed finally on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

Joe McComb	_____	Ben Molina	_____
Rudy Garza	_____	Everett Roy	_____
Paulette Guajardo	_____	Lucy Rubio	_____
Michael Hunter	_____	Greg Smith	_____
Debbie Lindsey-Opel	_____		

PASSED AND APPROVED on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_  
Rebecca Huerta  
City Secretary

\_\_\_\_\_  
Joe McComb  
Mayor