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ORDINANCE NO. 234-87

AN ORDINANCE AMENDING CHAPTER 12 OF THE WILLOW PARK, TEXAS, CODE OF ORDINANCES; ESTABLISHING NEW SIGN REGULATIONS FOR THE CITY AND WITHIN ITS EXTRATERRITORIAL JURISDICTION; PROVIDING A PENALTY, A SEVERABILITY CLAUSE, AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council has received the recommendations of the Planning and Zoning Commission concerning the matters herein dealt with, which recommendations were made after the holding of a public hearing before said Commission on such matters; and,

WHEREAS, notice has been published of the time and place of a public hearing held before the City Council concerning the changes herein made, which public hearing has been duly held; and,

WHEREAS, the City Council has determined that the amendment to the Comprehensive Zoning Ordinance herein made is in the best interest of the health, safety and general welfare of the citizens of the City of Willow Park; and,

WHEREAS, the Legislature under Article 1015 has established limitations upon the regulation of signs, particularly with respect to the removal of non-conforming signs; and,

WHEREAS, Article 1015 also authorizes the regulation of signs outside City limits but within its extraterritorial jurisdiction, as an alternative to regulation of such areas by the State of Texas; and,

WHEREAS, the City Council desires to establish a comprehensive set of sign regulations for the City in order to protect property values and individual safety, as well as the aesthetic sensibilities and general welfare of all who use public thoroughfares and are exposed to competition from advertising signs for their attention; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

Sec. 1. THAT Chapter 12 of the Willow Park Code of Ordinances be amended to read as follows:

Chapter 12.

Sec. 12-700. Definitions.

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(1) 'Sign' means an outdoor structure, display, light device, figure, painting, drawing, message, plaque, poster, billboard, flag or other thing that is designed, intended or used to advertise, inform or attract attention.

(2) 'On-premise sign' means a sign identifying or advertising a business, person or activity, and installed on the same premises as such business, person or activity.

(3) 'Off-premise sign' means a sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

(4) 'Portable sign' means a sign designed to be mounted on a trailer, bench, wheeled carrier or other non-motorized mobile structure. A portable sign may be an off-premise or on-premise sign.

(5) 'Wall sign' means signs attached against building fronts or exposed walls, or parallel to the face of the building and atop a marquee and not extending above or beyond such building.

(6) 'Free standing sign' means a sign supported solely by posts or structures other than a building.

(7) 'Building official' shall mean the officer or other person within the City of Willow Park charged with the administration and enforcement of the sign regulations.

Sec. 12-701. Signs requiring permits.

(1) No sign shall be erected, created or constructed after the effective date of this ordinance without a permit issued by the City Secretary or his designate, except as provided herein.

(2) Every applicant, before being granted a permit, shall pay a one time permit fee of \$25 for signs up to 40 square feet, and \$50 for signs larger than 40 square feet. All off-premise sign permits shall be renewed annually at the same fees.

(3) Portable Signs

(a) Existing businesses with portable signs in use at date of ordinance enactment are not required to permit or to pay a permit fee for six (6) months.

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(b) Subsequent new businesses may use a portable sign for a period of six (6) months from the date of certificate of occupancy or until a permanent sign is installed, whichever comes first. The permit fee shall be Twenty Five Dollars (\$25.00) subject to a 30-day extension with the City Administration approval and a new permit fee.

(c) A temporary permit valid for fifteen (15) days may be obtained for portable signs. The permit fee shall be Fifteen Dollars (\$15.00). Permits shall be issued for no longer than 30 days in a six (6) month period for any business or location.

(4) No permit shall be required for the following signs:

(a) Signs advertising the sale or lease of real property on which they are located.

(b) An on premise sign in existence before the effective date of this ordinance.

(c) A sign that has as its purpose the protection of life and property.

(d) A sign or marker giving information about the location of underground electric transmission lines, telegraph or telephone properties and facilities, pipelines, public sewers, or water lines or other public utilities.

(e) A sign erected by an agency of the state or a political subdivision of the state.

(f) A sign erected solely for and relating to a public election, but only if:

1. the sign is on private property;

2. the sign is erected no sooner than the 30th day before the election and is removed no later than the 7th day after the election;

3. the area of the sign does not exceed thirty-two (32) square feet per sign face;

4. the sign does not exceed ten (10) feet in height;

5. the sign is self-supporting.

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- (g) On-site directional signs not exceeding two (2) square feet, provided such directional signs do not contain advertising and are not used as such.
- (h) One unlighted or indirectly lighted sign with names and/or street numbers so long as the area of such sign does not exceed one (1) square foot for each dwelling unit.
- (i) Bulletin boards not over sixteen (16) square feet in area for public, charitable or religious institutions when the same are located on the premises of such institutions.
- (j) One temporary construction sign denoting the architect, engineer, financial institution, or contractor when placed upon the site under construction and not exceeding sixteen (16) square feet in area.
- (k) Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other non-combustible materials.
- (l) Flags, emblems and insignia of any governmental body, decorative displays for holidays or public demonstrations which do not contain advertising and are not used as such and which do not exceed thirty-five (35) feet in height and one hundred (100) square feet in area.
- (m) Temporary signs advertising occasional non-commercial sales (including garage sales, patio and porch sales) shall be limited to three (3) signs not to exceed two (2) square feet each. Signs shall be removed within two (2) days following such sale.

Sec. 12-702. Application for permit.

Application for permits shall contain or have attached thereto the following information:

- (1) Name, address and telephone number of the person or company which will own the sign.
- (2) Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.

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(3) Two (2) sets of reproducible plans shall be submitted showing the sign location in relation to nearby buildings or structures, signs, property lines, driveways, public streets, fences and sidewalks.

(4) Two (2) sets of reproducible plans and specifications showing method of construction and attachment to the building or ground. Size, type, height, construction materials, and such other information as the Building Official may require.

(5) Name, address and telephone number of person, firm, corporation, or association erecting the sign.

(6) If an off-premise sign, the written consent of the owner of the building, structure, or land to which or on which the sign is to be erected.

(7) Zoning classification of the property.

(8) Such other information as the Building Official shall require to show compliance with this and all other ordinances of the City.

Sec. 12-703. Measurements.

The area of any sign shall be deemed to be the sum of the area of each sign face, including cutouts.

Sec. 12-704. Spacing of off-premise signs.

No off-premise sign shall be located within one thousand (1,000) feet of another off-premise sign on the same side of the street or highway.

Sec. 12-705. Height restrictions.

(1) No free standing sign shall exceed thirty (30) feet above ground level and shall be no lower than ten (10) feet above ground level.

(2) Wall signs shall not exceed four (4) feet above roof line.

(3) Any sign over a walkway must have a minimum of eight (8) feet clearance over the walkway.

Sec. 12-706. Area restrictions.

(1) The maximum area of on-premise signs shall be the greater of forty (40) square feet or twice the lineal footage of the building frontage on the street to which the sign is displayed.

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(2) The maximum area of any off-premise sign shall be ninety-six (96) square feet per sign face.

(3) The maximum area of any portable sign shall be forty (40) square feet per sign face (80 square feet maximum).

Sec. 12-707. Frontage on more than one street.

(1) If a use has street frontage on a corner, street frontage for the purpose of calculation of sign area shall be either:

- (a) In the case of a sign erected on a building, the frontage of the building on the street which the sign faces.
- (b) In the case of a free standing sign more than three hundred (300) feet from an intersection of any public street, the frontage of the street closest to the sign, or if equidistant from two (2) or more streets, the longest such frontage.
- (c) In the case of a free standing sign less than three hundred (300) feet from an intersection, the frontage to be used in calculation shall be the street upon which the largest business building on such property faces.

(2) If a use has street frontage on more than one street, but not on a corner, such business shall be entitled to signs by formula on each street.

Sec. 12-708. Location of signs by type.

(1) Off-premise signs shall be allowed in the following zoning districts, but only within one hundred (100) feet of major thoroughfares designated on the Willow Park thoroughfare plan. Such districts where off-premise signs are allowed are Commercial and Industrial. No off-premise sign may be located closer than two hundred fifty (250) feet from any residence or residentially zoned area or closer than fifty (50) feet from any other building. Off-premise signs shall be set back at least twenty five (25) feet from the front property lines. Off-premise signs shall not be located closer than one hundred (100) feet from any street intersection or fifty (50) feet from any side or back property line or drive intersecting the street to which the advertising message is directed.

(2) Portable signs shall be allowed in the following zoning districts, but only more than twenty-five (25) feet from any

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residential zone and ten (10) feet from any curb or right-of-way. Such districts where portable signs are allowed are all commercial and industrial zones.

Sec. 12-709. Wind loads.

All signs shall be designed, constructed and anchored to withstand a wind pressure of not less than thirty (30) pounds per square foot per sign face.

Sec. 12-710. Obstruction to doors, windows or fire escapes.

NO sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape.

Sec. 12-711. Signs not to constitute traffic hazard.

No sign shall be erected or maintained in such a manner as to obstruct free and clear vision; or at any location where by reason of position, shape, color, degree, manner, or intensity of illumination it may interfere with vehicular or pedestrian traffic. Pursuant to the foregoing, no sign shall be erected or maintained in such manner as to be likely to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device. No sign shall make use of words, phrases, symbols, or characters, or employ any lamp or light in such a manner as to interfere with, mislead, or confuse traffic.

Sec. 12-712. Prohibited signs, advertising, lighting.

(1) No person shall attach any sign, paper, other material, or paint, stencil, or write any name, number (except house numbers), or otherwise mark on any sidewalk, curb, gutter, street, utility pole, trees, public building, fence or structure unless authorized by this ordinance.

(2) No sign shall be illuminated to an intensity greater than two hundred (200) footlamberts. The restrictions of luminance shall be determined from any other premise or from any public right-of-way other than an alley. Lights shall be shielded to prevent the source of lighting from being directly visible from residential property.

(3) No portion of any sign shall be erected upon or over public property.

(4) Signs and advertising devices which move, flash, rotate, blink, change color, or are animated are prohibited;

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provided, however, this section shall not be deemed to prohibit devices showing time, temperature and informative messages.

(5) Signs and advertising devices which produce noises discernible from more than fifty (50) yards away are prohibited.

Sec. 12-713. Compliance with other Codes.

All signs shall comply with all other City Codes, including the Electrical and Building Codes.

Sec. 12-714. Maintenance.

All signs, together with all supports, braces, guys and anchors shall be kept in good repair by the owner of the sign or the person in charge of the premises. Failure to keep a sign in good repair shall be deemed cause for removal if the owner of the sign or person in charge thereof fails to make such repairs within thirty (30) days of notice from the Building Official of deficiencies.

Sec. 12-715. Unsafe signs.

If the Building Official shall find that any sign is unsafe and is a menace to the public, he shall give notice to the permittee thereof in the same manner as is provided in the Building Code for notice of unsafe buildings. If the permittee fails to remove or repair the structure within the time provided in such notice, such sign may be removed by the Building Official at the expense of the permittee. The Building Official shall refuse to reissue a permit to any permittee or owner who refuses to pay costs so assessed. The Building Official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

Sec. 12-716. Replacement or repair of sign.

(1) When any sign, or a substantial part of it, is blown down or otherwise destroyed or taken down or removed for any purpose other than maintenance operations or for changing the letters, symbols or other matter on the sign, it may not be reerected, reconstructed or rebuilt except in full conformance with the provisions and requirements of this Article.

(2) For purposes of Subsection (1) of this section, a sign or substantial part of it is considered to have been destroyed only if the cost of repairing the sign is more than fifty (50) percent of the cost of erecting a new sign of the

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same type at the same location.

ec. 12-717. Existing sign registration.

Not later than the 120th day after the effective date of this ordinance, each owner of an off-premise sign erected before the effective date of this Article that is visible from the main-travelled way of a street or road shall either remove the sign or register the sign with the City Building Official. The owner must pay a fee of Twenty Five Dollars (\$25.00) for signs up to forty (40) square feet and Fifty Dollars (\$50.00) for signs larger than 40 square feet, for each sign that is registered. This registration is valid for one (1) year, but is renewable for the same fee.

Sec. 12-718. Application to extraterritorial jurisdiction.

This Article shall, pursuant to the authority of Section 1 of Article 1015o-1, apply to the City's extraterritorial jurisdiction."

Sec. 2. Any person, firm or corporation violating any provision of this ordinance as read together with the Comprehensive Zoning Ordinance shall be deemed guilty of a misdemeanor and upon final conviction thereof fined in an amount not to exceed Two Hundred Dollars (\$200.00). Each and every day any such violation continues or is allowed to exist shall constitute a separate offense and shall be punishable hereunder.

Sec. 3. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application and to this end the provisions of this ordinance are declared to be severable.

Sec. 4. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause of this ordinance as an alternative method of publication provided by law.

AND IT IS SO ORDERED.

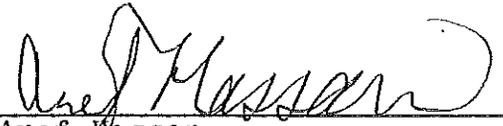
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Passed this 14th day of April, 1987.

CITY OF WILLOW PARK

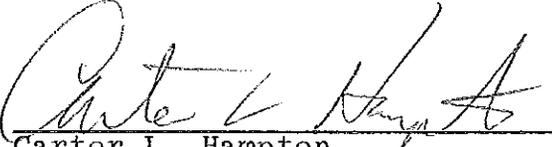
By: _____
Mark Bumpas, Mayor

ATTEST:



Aref Hassan
City Secretary

APPROVED AS TO FORM AND LEGALITY:



Carter L. Hampton
City Attorney