

CITY OF WILLOW PARK  
ORDINANCE NO. 470 -01

AN ORDINANCE AMENDING CHAPTER 12 *ZONING*, ARTICLE 12.600 *SIGN REGULATIONS* BY AMENDING CERTAIN SECTIONS OF ARTICLE 12.600, ADDING A NEW SECTION 12.621 “*WEEKEND DIRECTIONAL SIGNS*” TO THE CODE OF ORDINANCES, CITY OF WILLOW PARK, TEXAS; AND, PROVIDING A PENALTY OF A FINE, AND SIGN FORFEITURE AND CONFISCATION; A REPEALER; AND, AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park is a general law city incorporated under the laws of the State of Texas; and

WHEREAS, the City of Willow Park wishes to provide for the health, safety and welfare of its citizens; and

WHEREAS, the City is granted the authority under Title 7, Chpt 211, Tex. Local Govt. Code (Vernon's 2000) to regulate the size of structures located within the municipal boundary of the city; and

WHEREAS, certain signage that provides directional guidance, information of general public usage in a legible and easily readable fashion and that facilitates traffic movement and vehicular decision making is beneficial to the city; and

WHEREAS, the City is empowered to ascertain and fix certain just and reasonable standards, classifications and rules.

NOW THEREFORE;

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

SECTION 1. AUTHORIZATION

The Mayor, or appropriate City Official or Mayor’s designee is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. APPLICATIONS

The provisions of this Ordinance shall apply to all persons within the municipal boundaries of the City

of Willow Park who, as a permittee of the City, or as a person, acting alone or in conjunction with others, who erect, place, position or cause to be erected, placed or positioned or attempt to erect, place or position any sign or signage described and regulated by this Ordinance.

ARTICLE 12.600 SIGN REGULATIONS

§ 12.601 Definitions

- (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) Weekend Directional Sign. A sign which is not installed in a permanent fashion and is used to identify, direct, sell, promote or otherwise advertise homes and real estate for sale, lease or rent. Such signs include but are not limited to real estate signs installed by use of a stake, tripod or other temporary means.
- (8) Building Official shall mean the officer or other person with the City of Willow Park charged with the administration and enforcement of the sign regulations.

#### 12.602 Signs Requiring Pen-nits

- (1) Permits. No person shall erect, construct, relocate, alter or repair a sign without first having obtained a permit, except as otherwise provided in this section. This section does not apply to government signs.
- (2) 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.
- (3) Every applicant before being granted a permit shall pay a one-time permit fee of twenty-five dollars (\$25.00) for signs up to forty (40) square feet, and fifty dollars (\$50.00) for signs larger than forty (40) square feet. All off-premise sign permits shall be renewed annually at the same fees.
- (4) Weekend Directional Sign.
  - (a) Permit requirement. No person shall erect place or position or cause to be erected, placed or positioned in or on any public property or right-of-way within the city, a weekend directional sign without first having obtained an annual permit from the building official

or his designee.

- (b) Permit duration. Any permit authorized under this subsection shall be valid for a period of one year from the granting thereof. The permit shall not be granted until an annual fee in the amount set by the City Council has been collected from the applicant. The permit authority is subject to all other applicable federal, state or local statutes, rules or regulations.
- (5) 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.
  - (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 thirty (30) days in a six (6) month period for any business or location.
- (6) 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.
- (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 (1) 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 noncombustible 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.

#### § 12.603 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.
- (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-premises 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. (Ordinance No. 23-87 of April 14, 1987)

(9) Weekend Directional Sign.

(a) The application for a permit shall include a drawing of the proposed sign(s).

(b) Applicant should provide the name, address, telephone number of the property owner of the affected property.

(c) The application shall contain the name, address and telephone number of the person that the applicant acknowledges is responsible for placement, retrieval and maintenance of the sign identified in the permit.

(d) The application shall contain an acknowledgement by the applicant that they received, read and understand the provisions relating the weekend directional sign including that such signs subject to seizure and confiscation and imposition of a seizure fee of up to \$5 for each sign seized for violations of terms of the permits or conditions of sign display.

(e) An approximate maximum number of weekend directional signs that will be displayed up to the permitted limit of 20.

(f) Any other information the building official may require for compliance with this section or enforcement thereof

The area of any sign shall be deemed to be the sum of the area of each sign face, including cutouts unless so designated in other sections herein. (Ordinance No. 244-88 of October 1988)

#### § 12.605 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.

#### § 12.606 Height Restrictions

(1) No free standing sign shall exceed thirty (30) feet above ground level and shall not be lower than ten (10) feet above ground level. (Ordinance No. 246-89 of January 10, 1989)

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

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

(4) A free standing on-premises sign may extend to a height of thirty-five (35) feet above ground level or above grade directly opposite of the sign of a limited access freeway, whichever is higher if and only if the premises property is zoned "C" or is contiguous to a limited access freeway or separated therefrom only by a service road.

#### § 12.607 Area Restrictions

(1) The maximum area of on-premise wall signs associated with property zoned "C" or contiguous to a limited access freeway or separated therefrom only by a service road shall be no greater than two hundred sixty (260) square feet per sign face.

(2) The maximum area for a free standing on-premise sign associated with property zoned "C" commercial shall be no greater than forty (40) square feet per sign face with the limit of one (1) free standing sign per business.

#### § 12.604 Measurements

- (3) An additional free standing, nationally franchised logo type sign, will be permitted with the limit of one (1) per business subject to the area restrictions on free standing signs.
- (4) When a shopping strip directory sign is selected, each individual business in the shopping strip shall forfeit their right to individual free standing signs and the maximum area for the directory sign shall be the sum of forty (4) square feet for each business located in the shopping strip.
- (5) The maximum of any off-premise sign shall be ninety-six (96) square feet per sign face.
- (6) The maximum area of any portable sign shall be forty (40) square feet per sign face (80 square feet maximum)(Ordinance No. 323-92 of May 19, 1992)

#### § 12.608 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.

#### § 12.609 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

#### § 12.621 Weekend Directional Sign.

- (1) Permit required. No sign regulated by this section may be placed on public property or recorded utility easement, including public rights-of-way, except those that have a validly issued permit by the City. Any sign placed on public property or public right-of-way not properly permitted shall be removed without notice.
- (2) Nature of sign. Only weekend directional signs, as defined herein are permitted and authorized by this section.
- (3) Size. The sign shall not exceed six (6) square feet in effective area. The entire visible surface of the sign exclusive of support devices, shall be included in the area of calculations.
- (4) Setback. No sign that shall be placed closer than fifty (50) feet from intersections, shall have a minimum three (3) foot setback from the curb and shall not overhang the curb, sidewalks or public walkways.
- (5) Placement Time. Signs shall be erected, placed or installed only after 6:00 p.m. Friday and shall be removed no later than 5:00 a.m. on the Monday following. All times herein are Central Standard Times. Any sign in a public right-of-way other than during the times permitted herein is subject seizure and to confiscation.
- (6) Sign Spacing. Signs are to be spaced at least

one thousand (1,000) feet apart unless there is an intervening directional decision point such as directional change, intersection or required turn in which case spacing may be reduced to a minimum of one hundred (100) feet. Distances are to be measured in a line parallel with the street involved regardless of which side of the streets the signs are erected. A minimum spacing of twenty (25) feet from a sign erected by a different permittee under this section shall also be maintained.

(7) Installation,

- (a) Signs authorized by this section and permitted by the City shall be supported by stake(s) that are set not more than one (1) foot into the ground. The top of the sign shall not extend higher than four (4) feet above the grade where erected.
- (b) No sign will be allowed within street median or attached to tree, fence or any public utility poll.

(8) Enforcement.

- (a) The building official, or his designee, is hereby authorized and directed to enforce all the provisions of this section. It shall be unlawful for any person to interfere with such official in the discharge of his duties. The official shall have the power to issue citations for any violation of this section.
- (b) The City may seize any sign(s) in violation of this section. Signs held by the City for more than seven (7) days after seizure may be destroyed or discarded by the City. The five dollars seizure fee, per sign may still be imposed and collected even if the sign(s) were destroyed. Seizure of the sign and imposition of a fee therefore, is in addition to any other remedy

available to the City.

- (c) Three violations of any provision of this section, or any other law related to the placement, maintenance, display or use of the sign, in a permit year shall be grounds for permit revocation. No permit may be issued to any person for ninety (90) days subsequent to the third conviction for same or similar signs.

- (9) Maintenance. Each sign together, with its support brace or footing, shall be kept in repair and maintained in good condition. The display surface of each sign shall be kept neatly painted or posted at all times.

- (10) Public Safety. Notwithstanding anything contained herein to the contrary, the building official may cause any sign which is dangerous to persons or property to be removed summarily and without notice.

### SECTION 3. REPEAL OF CONFLICTING ORDINANCES

All Ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict

### SECTION 4. SEVERABILITY

If for any reason any section paragraph subdivision clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate.

### SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect from and after its publication one time in the official publication of the City of Willow Park, Texas which publication shall contain the captions stating in substance the purpose of the ordinance and reciting the penalty provision of the ordinance.

PASSED AND APPROVED this 18th day of September, 2001.

ATTEST:

/S/ James H. Poythress  
Mayor

/S/ Hetty Haggard  
City Secretary

APPROVED AS TO FORM

/S/ \_\_\_\_\_  
City Attorney

The Willow Park City Council in acting on Ordinance No. 470-01 did on the 18th day of September 2001 vote as follows:

	FOR	AGAINST	ABSTAINED
James Poythress	_____	_____	_____
Scott Rule, Place 1	_____	<u>  X  </u>	_____
Terry, Skaggs, Place 2	<u>  X  </u>	_____	_____
Marvin Glasgow, Place 3	<u>  X  </u>	_____	_____
Robin Brown, Place 4	<u>  X  </u>	_____	_____
Gerald Liepert, Mayor Pro-tem	_____	<u>  X  </u>	_____