

CITY OF WILLOW PARK

ORDINANCE NO. 679-14

AN ORDINANCE PROVIDING AUTHORIZATION TO IMPOSE A TEMPORARY MORATORIUM ON THE ISSUANCE OF PERMITS FOR "OFF-PREMISE SIGNS" WITHIN THE CITY, OR ITS EXTRATERRITORIAL JURISDICTION, TO ALLOW REVIEW OF EXISTING REGULATIONS, STUDY THE CHANGING TECHNOLOGY OF OFF-PREMISE SIGNS, AND TO DEVELOP STANDARDS TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC, MOTORISTS, AND RESIDENTS; AND, PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park, Texas ("City"), is a municipal corporation duly and legally formed in the State of Texas; and

WHEREAS, the City is a general law municipality with specific powers delegated to it to protect the health, safety and general welfare of its citizens; and,

WHEREAS, the City is currently reviewing and updating it's Comprehensive Plan to address municipal priorities for commercial and residential development, land use, parks, thoroughfares and other amenities that promote the convenience and enjoyment of the residents while establishing reasonable standards to protect the health, safety and welfare of the public; and,

WHEREAS, the City has a substantial interest in protecting the economic value of property within the City and extraterritorial jurisdiction (ETJ) by minimizing visual obstructions or clutter that could create hazards or confusion in traveling caused by the proliferation of off-premise signs, improper placement, excessive or unnecessary illumination, flashing lights, or frequent message changes that could distract a vehicle operator, impair the vision, or otherwise interfere with the operation of the vehicle; and,

WHEREAS, the City has been delegated authority to regulate outdoor signs within the City and its ETJ pursuant to Sect. 216.003 TEXAS LOCAL GOV'T CODE through which it has enacted as Art 12.600 "Sign Regulations", Municipal Code of Ordinances, and amendments thereto, the study and review of which by the City will require a reasonable period of time; and,

WHEREAS, the moratorium authorized herein is limited in scope and time, affecting only off-premise signs which are defined herein as any sign displaying commercial or non-commercial speech, message or advertising for any business, activity, goods, services not provided on the property where the sign is located or that directs persons to a location other than the property the sign is located on.

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

SECTION 1. AUTHORIZATION

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

SECTION 2. FINDINGS

The City does hereby find that there is good and sufficient reason, as set forth in this Ordinance, to protect the status quo while reviewing the municipal standards that relate to off-premise signs, and to modify, change or amend the same to account for changes in the technology, presentment or display of said signs that impacts the health, safety or welfare of the municipal residents or impairs the safe operation of motor vehicles within the City and ETJ.

SECTION 3. DEFINITIONS

A. General

Words and phrases used in this Ordinance shall have the meanings set forth in this section. Words and phrases that are not defined in the Ordinance but are defined in other ordinances of the City shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meanings unless the context

clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this Ordinance.

B. Specific

- 1) Alter means to make a physical change to a sign
- 2) Build means to erect, install, or place a sign. The term also includes making an improvement or change to the sign.
- 3) Construct means to insert poles or lay a foundation for a sign.
- 4) Develop means to make a material change in the use or character of the land, including but not limited to the placement of any building or other structure on the land.
- 5) Expand means to add any square footage (i.e., surface area) of a sign. The term also includes any increase in the height of a sign.
- 6) Ordinary Maintenance means activities relating to an off-premise sign that would be considered ordinary or common for upkeep of the sign, including but limited to the replacement of existing materials with identical or in-kind materials or painting or altering or changing the advertising message. Ordinarily maintenance does not include the expansion of surface area, installation of illuminating devices, increases in sign height, addition of animated or moving parts, enlargement, or renovation or remodeling of an off-premise sign that would expand or increase the surface for display of advertising.
- 7) Person means any human individual or corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.
- 8) Repair means the maintenance of or the return to a state of utility of a sign. Repair is expressly limited by §12.617 of the Municipal Code.

SECTION 4. MORATORIUM

A temporary moratorium shall exist from the effective date of this Ordinance for a period of six months during which the City shall not accept any application for a permit for any off-premise sign or a site plan that includes a location for or plans for a new off-premise sign and no off-premise sign shall be constructed during said moratorium period. This temporary moratorium applies in the municipal limits and ETJ of the City. Upon public notice and hearing

the City Council may by majority vote extend this moratorium as reasonable and necessary if the review required to recommend changes, modifications or amendments herein or the necessary implementation thereof has not been completed. The City may repeal this temporary moratorium at any time through the adoption of proper action by the City Council.

SECTION 5. ENFORCEMENT

It shall be unlawful for any person to alter, build, construct, erect, expand, install, remodel, or renovate an off-premise sign other than is permitted herein.

SECTION 6. CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of Ordinances of the City of Willow Park, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

SECTION 7. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Ordinance.

SECTION 8. 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 9. EFFECTIVE DATE

This Ordinance shall be effective on or after its publication in a newspaper of general circulation stating its purpose and penalty.

PASSED AND APPROVED this 8th day of April 2014.

/s/ Richard Neverdousky
Mayor

APPROVED AS TO FORM:

/s/ [Signature]
City Attorney

ATTEST:

/s/ Candice Scott
City Secretary/Clerk

The Willow Park City Council in acting on Ordinance No. 679-14 did on the 8th day of April, 2014 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>	
Richard Neverdousky, Mayor	_____	_____	
Brian Thornburg, Place 1	_____✓_____	_____	
Gene Martin, Place 2	_____✓_____	_____	
Amy Podany, Place 3	_____	_____	
Dan Stalling, Place 4	_____✓_____	_____	
Bernard Suchocki, Place 5	_____	_____	_____✓_____