

ORDINANCE NO. 2018-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING THE BASTROP CODE OF ORDINANCES BY AMENDING CHAPTER 3, TITLED "BUILDING REGULATIONS," ARTICLE 3.20, "SIGNS," TO ESTABLISH REGULATIONS FOR ELECTRONIC MESSAGE (L.E.D.) SIGNS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING.

WHEREAS, the Bastrop City Council pursuant to its zoning authority under Chapter 211 of the Texas Local Government Code and pursuant to other Texas statutory authority and charter authority, has adopted ordinances and regulations that pertain to the development and zoning of land within the City and its extra territorial jurisdiction; and

WHEREAS, the City Council desires to update its sign regulations to meet the changing conditions in the City; and

WHEREAS, digital signs are often requested to be placed in lieu of or in addition to conforming and nonconforming signs; and

WHEREAS, controlled placement of digital signs could have a positive impact on the businesses and economic development of the City; and

WHEREAS, the uncontrolled placement of digital signs could have a negative impact on the health, safety, and aesthetics of the City; and

WHEREAS, placement of approved digital signs that provide a different manner and place of communication would assist in alleviating the uncontrolled placement of digital and other signs within the City; and

WHEREAS, regulation of signs in the City will substantially promote the City's interest in preserving the aesthetic beauty of the City while also promoting economic development; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001 and the City Charter of the City of Bastrop, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 216 of the Texas Local Government Code, the City has the authority to regulate signs within the City Limits and the extraterritorial jurisdiction (ETJ); and

WHEREAS, the Planning and Zoning Commission had a meeting and a public hearing on June 28, 2018 and recommended denial; and

WHEREAS, the City, having received the recommendation of the Planning and Zoning Commission, now desires to amend the Signs Ordinance of the City of Bastrop.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bastrop,
TX:

SECTION 1. FINDINGS OF FACT The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. AMENDMENT Chapter 3, Article 3.20 of the City of Bastrop Code of Ordinances is hereby amended to be read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

SECTION 3. REPEALER To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SECTION 4. SEVERABILITY Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

SECTION 5. CODIFICATION The City Secretary is hereby directed to record and publish the attached rules, regulations, and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

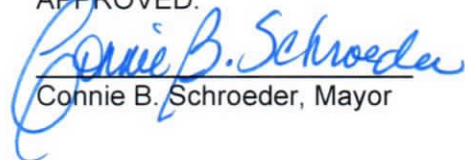
SECTION 6. EFFECTIVE DATE This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

SECTION 7. PROPER NOTICE & MEETING It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.


READ & ACKNOWLEDGED on First Reading on this, the 10th day of July 2018.

READ & APPROVED on the Second Reading on this, the 24th day of July 2018.

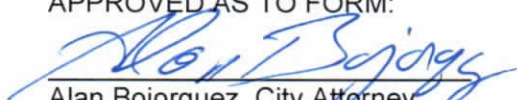
APPROVED:


Connie B. Schroeder, Mayor

ATTEST:


Ann Franklin, City Secretary

APPROVED AS TO FORM:


Alan Bojorquez, City Attorney

Bastrop Code of Ordinances

Chapter 3: Building Regulations

Article 3.20: General Provisions

Chapter 3 – BUILDING REGULATIONS

ARTICLE 3.20 – SIGNS

Sec. 3.20.015 - Standards for permanent signs

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(5) Electronic message (L.E.D.).

(A) Such signs shall be allowed in the following circumstances:

- (i) When incorporated into a permitted monument sign; or**
- (ii) When used to display fuel prices on a permitted fuel pricing sign; or**
- (iii) When placed on a new or existing permitted on-premises pole or pylon sign; or**
- (iv) When placed on a legal, nonconforming on-premises pole or pylon sign.**

(B) Signs permitted under Sections (5)(A)(i) or 5(A)(ii) shall not exceed 25% of the area of the sign.

(C) Signs permitted under Sections (5)(A)(iii) or 5(A)(iv):

- (i) if placed on a new or existing pole or pylon sign, the digital sign face shall only be a part of the total sign face and shall not exceed 25% of the total sign face or may be a separate digital sign face whose size shall not exceed 25% of the total sign face area when both digital and non-digital sign face areas are combined;** **(ii) legal, non-conforming pole or pylon signs 160 square feet or greater, may convert up to forty (40) square feet of the current sign face to a digital sign face, or may install a separate digital sign face whose size shall not exceed forty (40) square feet and whose addition does not increase the total sign face area when sign face areas of both the digital and non-digital sign are combined;**
- (iii) legal, non-conforming pole or pylon signs of less than 160 square feet may convert up to 30% of the current sign face, or 40 square feet, whichever is less, to a digital sign or may add a digital sign that is up to 30% of the combined sign face areas or 40 square feet, whichever is less, such that the entire sign face area, when digital and non-digital sign face areas are combined, does not exceed 160 square feet;**

(D) Any change of pictures or information on the sign shall not produce the illusion of scrolling, moving objects, expanding or contracting shapes, rotation, or any similar effect of animation.

- (E) Any change of pictures or information on the sign shall not change more often than once every eight (8) seconds except for message display of time or temperature. Each change of pictures or information must constitute a complete phrase or thought and not be the completion of a previous phrase or thought. Each change of pictures or information must be completed in two (2) seconds or less and may not include visually distracting techniques such as flashing, racing, strobing, twinkling, animation, etc.
- (F) Only one sign face per pylon or pole sign may contain a digital sign face and any separate digital sign shall be located below the non-digital sign.

* * *

Sec. 3.20.019 - Nonconforming signs.

(a) A nonconforming sign is a sign which was installed legally prior to the adoption of this article or amendments of this article, but does not comply with the current sign regulations. A nonconforming sign shall be allowed to be continued and maintained at its existing location subject to the following conditions: The face of the sign may be changed, but no change or alteration shall be made that would increase the degree of nonconformity. A change to the sign face or the addition of a digital sign as allowed by Section 3.20.015 shall not affect the legal, nonconforming status of the sign.

(b) An on-premises sign, conforming or otherwise, may be removed no sooner than the first anniversary of the date the business, person, or activity that the sign or sign structure identifies or advertises ceases to operate on the premises on which the sign or sign structure is located. If the premises containing the nonconforming sign or sign structure are leased, the sign must be removed no later than the second anniversary after the date the most recent tenant ceases to operate on the premises. The director's decision may be appealed to the planning and zoning commission.

(c) A nonconforming sign may not be reconstructed, repaired, or replaced for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign. Reconstruction, repair, or replacement of a nonconforming sign shall be completed no later than ninety (90) days following the date of the damage. For purposes of this subsection, a sign, or a substantial part of a sign, is considered destroyed if it is blown down, dismantled or the cost of repairing the sign is more than 60% of the cost of erecting a new sign of the same type at the same location. A change to the sign face or the addition of a digital sign as allowed by Section 3.20.015 shall not affect the legal, nonconforming status of the sign or be considered reconstruction, repair, or replacement of the sign as defined in this section.

(d) If the city requires the relocation, reconstruction or removal of a sign, conforming or otherwise, within its corporate limits or its extraterritorial jurisdiction, the mayor shall appoint a municipal board of sign control pursuant to chapter 216 of the Local Government Code to determine the amount of compensation, if any, the owner of the sign is entitled to relocate, reconstruct or remove the sign. Prior to such determination, the owner of the sign shall be given the opportunity for a hearing before the municipal board about the issues involved.