

AN ORDINANCE OF THE CITY OF FERRIS, TEXAS

ORDINANCE NO. O-14-764

AN ORDINANCE OF THE CITY OF FERRIS, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF FERRIS, TEXAS, AS HERETOFORE AMENDED, THROUGH THE AMENDMENT OF ARTICLE 7, "SIGN REGULATIONS," DIVISION 185, "SPECIAL SIGN TYPES," SECTION 1, "MESSAGE BOARD SIGNS," BY REPEALING SECTION 1 IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 1, ENTITLED "MESSAGE BOARD SIGNS," TO PROVIDE FOR RESTRICTIONS FOR MESSAGE BOARD SIGNS IN VARIOUS DISTRICTS; AND THROUGH THE AMENDMENT OF DIVISION 190, "PERMANENT SIGNS CHART," BY AMENDING RESTRICTIONS LISTED UNDER THE HEADING "MESSAGE BOARD SIGNS" BY REFERENCING AND CHANGING THE RESTRICTION VALUES TO MATCH THOSE LISTED IN DIVISION 185, SECTION 1; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, Article 7, "Sign Regulations," of the Zoning Ordinance of the City of Ferris, Texas, contains provisions for all types of signs within the City; and

WHEREAS, a recent review of Article 7 by the City indicates amendments are necessary within certain districts; and

WHEREAS, all legal requirements, conditions, and prerequisites have been complied with prior to this case coming before the City Council of the City of Ferris ("City Council"); and

WHEREAS, the City Council has determined that the zoning ordinance should be amended as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FERRIS, TEXAS, THAT:

SECTION 1. The Zoning Ordinance of the City of Ferris, Texas, be and the same is hereby amended by amending Article 7, "Sign Regulations," Division 185, "Special Sign Types," by repealing Section 1, "Message Board Signs," and replacing it with a new Section 1, entitled Message Board Signs," which shall read as follows:

"ARTICLE 7 SIGN REGULATIONS

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Division 185 SPECIAL SIGN TYPES

Section 1: Message Board Signs

Message board signs are allowed by SUP in any zoning district subject to the following restrictions:

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- A. Message board signs shall only be used on the premises of, and in conjunction with, an educational, religious, governmental or other not-for-profit use for which a valid Certificate of Occupancy has been issued;
- B. Message board signs shall only be located on a lot which is adjacent to a state road or highway, and the sign must be placed adjacent to such road or highway;
- C. Message board signs shall not name, display a logo, photograph or likeness of, or otherwise in any form advertise any for-profit business or product;
- D. Message board signs shall not exceed fifty square feet (50 SqFt) in size;
- E. Message board signs shall be set back a minimum of ten feet (10 ft) from any property line which fronts a state road or highway and a minimum of 50 feet from any property line adjoining another property;
- F. A message board sign must be a monument sign; however, a message board sign may exceed the city's monument sign height restrictions and/or may have the base width reduced if approved as a condition of the SUP;
- G. Message board signs shall be considered as the primary freestanding sign and may not be placed in addition to any existing freestanding sign;
- H. Any change of pictures or information on the message board sign shall not produce the illusion of moving objects, expanding or contracting shapes, rotation or any similar effect of animation;
- I. Any change of pictures or information on the message board sign shall not change more often than once each three seconds for those portions of the sign which convey time or temperature, or once each 20 seconds for all other portions of the sign;
- J. Each application for a message board sign must be accompanied with a certificate of approval of such sign from the Texas Department of Transportation in accordance with state law;
- K. The determination of a health or safety hazard caused by a lighted sign or a message board sign shall be made by the Chief Building Official for the city and shall be controlling;
- L. Any electrical wiring required for a sign to be lighted shall meet the electrical code of the city as determined by the Chief Building Official or a designated representative;
- M. No lighted sign or message board sign shall have a luminance of greater than 300 foot-candles, nor shall any such sign have a luminance greater than 200 foot-candles for any portion of the sign within a circle two feet in diameter. The restriction of luminance in this section shall be determined from any other premises or from any public right-of-way. If a message board sign constitutes a distraction to traffic based on evidence or complaints, the Chief Building Official shall review if the sign shall be dimmed or otherwise altered and provide for appropriate remedy."

SECTION 2. The Zoning Ordinance of the City of Ferris, Texas, shall be and the same is hereby amended through the amendment of Article 7, "Sign Regulations," by amending the chart restriction values for the category "Message Board," in Division 190, "Permanent Signs Chart," which shall read as follows:

"ARTICLE 7 SIGN REGULATIONS

Division 190 PERMANENT SIGNS CHART

| PERMANENT SIGNS | | | | | |
|-----------------|----------------------|--------------|----------------|-----------------|-----------------------------|
| TYPE OF SIGN | DISTRICTS PERMITTED | MAXIMUM AREA | MAXIMUM HEIGHT | NUMBER OF SIGNS | REQUIREMENTS |
| | | | | | |
| Message Board | SUP in all districts | 50 S.F. | 7 ft. | 1 | See Division 185; Section 1 |
| | | | | | |

....."

SECTION 3. The Zoning Ordinance of the City of Ferris, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. All provisions of the Ordinances of the City of Ferris, Texas, in conflict with the provisions of this ordinance shall be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

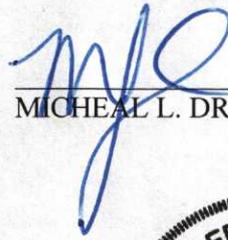
SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Zoning Ordinance as a whole.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Zoning Ordinance of the City of Ferris, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

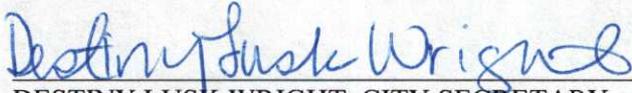
SECTION 8. This ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FERRIS,
TEXAS, on this 4TH day of AUGUST, 2014.



MICHEAL L. DRIGGARS, MAYOR

ATTEST:



DESTINY LUSK WRIGHT, CITY SECRETARY

APPROVED AS TO FORM:

KENT S. HOFMEISTER, CITY ATTORNEY

