

ORDINANCE 2015-01

AN ORDINANCE OF THE CITY OF LA FERIA, TEXAS AMENDING THE CITY OF LA FERIA CODE OF ORDINANCES CHAPTER 3, ARTICLE 3.09 SIGNS AND CHAPTER 14, EXHIBIT A, SECTION 18: SCHEDULE OF USES OF THE ZONING ORDINANCE TO ALLOW CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS WITHIN THE CITY LIMITS OF LA FERIA AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of La Feria adopted Ordinance 92-10, also known as the Scenic Corridor Ordinance and Ordinance 2008-12 and Ordinance 2009-3, also known collectively as the Zoning Ordinance, which ordinances have been respectively codified in Chapter 3, Article 3.09 and Chapter 14, Exhibit A of the City of La Feria Code of Ordinances; and

WHEREAS, Changing Variable Electronic Message Signs (CVEMS) have previously been prohibited within the La Feria City Limits; and

WHEREAS, due to advances in technology the use of CVEMS has become a standard use in many areas of Texas not only for commercial advertising but in order to allow governmental entities to provide provide important, vital information and direction to the public in the event of weather related emergencies, police or fire emergencies, and Amber Alerts, etc., and to increase public awareness and visibility for City announcements and sponsored events; and

WHEREAS, so long as the number and location of such signs are subject to the control of the City, the ability of the City to provide information to the public in such instances would result in improved safety and welfare for the area citizens; and

WHEREAS, after proper public notification, public hearings were held by the La Feria Planning and Zoning Commission and the La Feria City Commission; and

WHEREAS, the City of La Feria Planning and Zoning Commission, after conducting the required public hearing has recommend to the La Feria City Commission that amending City of La Feria Code of Ordinances Chapter 3, Article 3.09 Signs and Chapter 14, Exhibit A, Section 18: Schedule of Uses of the Zoning Ordinance, would provide a public benefit and enhance the general welfare of all citizens of La Feria and should be approved; and

WHEREAS, the La Feria City Commission, after considering all public comments and the recommendations of the Planning and Zoning Commission and City staff, finds that the proposed amendment to the City of La Feria Code of Ordinances Chapter 3, Article 3.09 Signs and Chapter 14, Exhibit A, Section 18: Schedule of Uses of the Zoning Ordinance, will provide a vital public service and enhance the general public welfare of the citizens of the City of La Feria;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LA FERIA, TX THAT:

SECTION 1. The recitals set forth above are found to be true and correct, and they are hereby adopted by the City Commission and made a part of this ordinance for all purposes.

SECTION 2. The City of La Feria Code of Ordinances, Chapter 3, Article 3.09.032 Prohibitions is hereby amended to read as follows:

Sec. 3.09.032 Limitations

(a) New off-premises signs. Except as specifically provided herein, from and after the effective date, no new construction permit shall be issued for the erection of any off-premises sign, including but not limited to a new off-premises CVEMS and/or the conversion of an existing non-CVEMS off-premises sign to a CVEMS, within the sign code application area. Notwithstanding anything to the contrary herein contained, not more than five (5) permits for the construction of and/or conversion to an off-premises CVEMS may be issued by the City under the terms of a Special Use Permit on the condition that the City will have access to the use of such CVEMS on such terms as provided therein in order to enhance the public safety and welfare of the area citizens.


(b) Changeable electronic variable message signs. All CVEMS, whether on-premises or off-premises, shall comply with all rules and regulations as from time to time approved by the City Manager in order to insure that no such CVEMS creates or becomes a nuisance which endangers the safety and welfare of area citizens. In addition, all CVEMS shall comply with the rules and regulations pertaining to the regulation of such signs by the Texas Department of Transportation – Right of Way Division.

SECTION 3. The City of La Feria Code of Ordinances, Chapter 14, Exhibit A, Section 18: Schedule of Uses of the Zoning Ordinance is hereby amended as shown in Attachment I.

SECTION 4. This ordinance shall become effective immediately after approval by the City Commission.

PASSED AND APPROVED THIS THE 13TH DAY OF JANUARY, 2015.

APPROVED:



Esmeralda Lozano, Mayor Pro-Tem

ATTEST:



Olga Oberwetter, City Secretary

APPROVED AS TO FORM:



Richard S. Talbert, City Attorney