

ORDINANCE No. 352-J-2019

AN ORDINANCE AMENDING ORDINANCE 352-D-2008 (SIGN REGULATIONS) TO ALLOW THE PLACEMENT OF OFF PREMISE ADVERTISING SIGNS, WITH STANDARD COPY, LIGHT EMITTING DIODE, OR DIGITAL DISPLAY ON PLATTED LOTS ABUTTING INTERSTATE 35 AND LOCATED WITHIN COMMERCIAL “C-5 ZONING DISTRICTS, WITHIN THE CORPORATE LIMITS AND ON PLATTED LOTS ABUTTING INTERSTATE 35 EXTRA TERRITORIAL JURISDICTION; AND AMENDING THE UNIVERSAL CITY CODES ACCORDINGLY AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, pursuant to its inherent authority under the City Charter and such authority derived from statutes, including Texas Local Government Code Chapter 216; City Council adopted Ordinance No. 352-C-97, as amended by Ordinance Nos. 352-D-2008, 352-E-2010, 352-F-2013, 352-G-2014, 352-H-2014, and 352-I-2016 (collectively the “sign regulations”) to regulate the placement of signs within the City’s jurisdictional limits and extraterritorial jurisdiction; and

WHEREAS, within the sign regulations, City Council prohibited off premise advertising, within the City’s jurisdictional limits and extraterritorial jurisdiction, in order to protect the scenic beauty of the community and to protect drivers from unnecessary distractions; and

WHEREAS, it has been brought to City Council’s attention that the Texas Department of Transportation allows certain off premise advertising along Texas Interstates, whether such advertising is displayed as standard copy or in CEVMS and LED format; and

WHEREAS, City Council has determined that allowing off premise advertising along Interstate 35, in accordance with Texas Department of Transportation standards, provide adequate regulation of time manner and place are prescribed, may not necessarily be detrimental to the public interest and may provide an effective method of providing information to the masses that travel on that interstate each day.

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

**Section one.** The Code of Ordinances, Chapter 4-4 (entitled “*Signs*”), Section 4-4-6 (entitled “*definitions*”) is hereby by amended by adding the term “*Effective Date*”, which shall mean September 16, 1997, the effective date of Ordinance No. 352-C-97.

**Section two.** The Code of Ordinances, Chapter 4-4 (entitled “*Signs*”), Section 4-4-77 (entitled “*nonconforming signs*”) is hereby by amended by adding to subsection (d) (entitled “*Off-premises signs*”) the language that is in italics (“*italics*”) and underlined (underlined) as set out below:

(d) *Off-premises signs. Except as provided in Section 4-4-82, from and after the effective date, no new construction permits shall be issued for the erection of an off-premises sign, including but not limited to a new off-premises CEVMS or the conversion of an existing non-CEVMS off-premises sign to a CEVMS or an LED or digital sign, within the Sign Code Application Area.*

**Section three.** The Code of Ordinances, Chapter 4-4 (entitled “Signs”), Section 4-4-77 (entitled “*nonconforming signs*”) is hereby by amended by adding to subsection (f) (entitled “*Changeable electronic variable message signs (“CEVMS”)*”) the language that is in italics (“*italics*”) and underlined (underlined) as set out below:

(f) *Changeable electronic variable message signs (“CEVMS”). Except as provided in Section 4-4-82, from and after the effective date, no off-premises CEVMS shall be allowed within the Sign Code Application Area.*

**Section four.** The Code of Ordinances, Chapter 4-4 (entitled “Signs”), Section 4-4-77 (entitled “*nonconforming signs*”) is hereby by amended by adding to subsection (g) (entitled “*Light emitting diode (LED) or digital signs*”) the language that is in italics (“*italics*”) and underlined (underlined) as set out below:

(g) *Light emitting diode (LED) or digital signs. Except as provided in Section 4-4-82, from and after the effective date, no off-premises LED or digital sign which varies in intensity or color, provides animation, and provides flashing and/or running messages shall be allowed within the Sign Code Application Area..*

**Section five.** The Code of Ordinances, Chapter 4-4 (entitled “Signs”) is hereby amended by replacing, in its entity, the language set out in Section 4-4-82 with the language that follows:

***Sec. 4-4-82. – Off Premise Signs.***

(a) *Location. Except as authorized in this Section, Off Premise Signs are prohibited within the City’s jurisdictional limits or extraterritorial jurisdiction. Off Premise Signs may be placed at locations as follows:*

- (1) Within the City’s jurisdictional limits, Off Premise Signs may be located on those platted lot that fronts on Interstate Highway 35 and is located in a Commercial “C-5 Zoning District; and*
- (2) Within the City’s extraterritorial jurisdiction, Off Premise Signs may be located on those platted lot that fronts on Interstate Highway 35.*

(b) *Size. Off Premise Signs face area may not exceed a total size of 700 square feet on each side of the sign face.*

(c) *Height. The maximum height of an Off Premise Sign shall be 60 feet.*

(d) *Monopole support. The Off Premise Sign structure shall be mounted on a single steel pole or column.*

(e) *Advertising Display. An Off Premise Sign advertising may be displayed by CEVMS or LED.*

**Section six.** The Code of Ordinances, Chapter 4-4 (entitled “Signs”) is hereby amended by re-codifying certain sections as follows:

- the Section entitled “*electric Signs,*” formerly Section 4-4-82, as new Section 4-4-83;
- the Section entitled “*maximum sign face area,*” formerly Section 4-4-83, as new Section 4-4-84;
- the Section entitled “*maximum height,*” formerly Section 4-4-84, as new Section 4-4-85;
- the Section entitled “*signs, back to back, V-type, pole signs,*” formerly Section 4-4-85, as new Section 4-4-86; and
- the Section entitled “*repairs,*” formerly Section 4-4-87, as new Section 4-4-87.

**Section seven.**

This ordinance shall be cumulative of all provisions of the Code of Ordinances, except where the provisions of this Ordinance are in direct conflict with the provisions of such existing Ordinances, in which event the provisions of this ordinance shall prevail.

**Section eight.**

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section nine.**

This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effective immediately upon the passage and approval of the City Council of the City of Universal City, Texas, and publication as required by law.

PASSED AND ADOPTED this the 2<sup>nd</sup> day of July 2019.

UNIVERSAL CITY

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John Williams, Mayor

Ordinance no. 352-J-2019

Attest:

Approved for legal sufficiency:

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Kristin Mueller, City Clerk

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Habib Erkan, Attorney