

ORDINANCE NO. 3403

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ELECTRONIC MESSAGE SIGN USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 200 N US HIGHWAY 77, BEING PROPERTY ID 227579, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, BLOCK 1 OF THE KWIK ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, the described property is classified in said ordinance and any amendments thereto as GR; and

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-73-2023. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this property is rezoned from GR to GR, with a SUP in order to permit an Electronic Message Sign use on the following property: Lot 1, Block 1 of the Kwik Addition, which is shown on Exhibit A, in accordance with the Site Layout attached as Exhibit B, the Electronic Message Sign Rendering attached as Exhibit C, and the Landscape Plan attached as Exhibit D.

SPECIFIC USE PERMIT

Purpose and Intent

The purpose of this Ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and Zoning Ordinance.

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR AN ELECTRONIC MESSAGE SIGN USE IN A GENERAL RETAIL (GR) ZONING DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The Site Layout, attached as Exhibit B, shall conform as approved by the City Council under case number ZDC-73-2023.
2. The size of the electronic message sign shall conform to the Sign Rendering, attached as Exhibit C, as approved by the City Council under case number ZDC-73-2023.
3. The landscaping on site shall conform to the Landscaping Plan, attached as Exhibit D, as approved by City Council under case number ZDC-73-2023.
4. The sign shall not be illuminated between the hours of 10pm – 6am.
5. The electronic messaging sign shall only provide information relating to the businesses on the subject property. No off-site advertising shall occur at any time.
6. The electronic message sign shall not exceed a brightness level of 0.3-foot candles above ambient light. The sign shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.
7. The sign shall not have flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts.
8. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
9. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance shall conform to those requirements and/or standards prescribed in Exhibits B – Site Layout, Exhibit C – Electronic Message Sign Rendering, and Exhibit D – Landscape Plan. Where the regulations are not specified in Exhibits B, C, D, or this Zoning Ordinance, the regulations of the General Retail (GR) Zoning District shall apply to this development.
10. If the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
11. City Council shall have the right to review the Specific Use Permit at any point, if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED AND ADOPTED on this 2nd day of October, 2023.



Darryl Hill
MAYOR

ATTEST:

Amber Villarreal
City Secretary

Exhibit A - Location Map



Exhibit B - Site Layout

 **Property Boundary**
 **Sign**



0 5 10 20 Feet

Maxar

Exhibit C - Electronic Message Sign Rendering



Refurbication Of Existing Monument Sign

Exhibit D - Landscape Plan

- Property Boundary
- Sign
- Crape Myrtle (3)

