

ORDINANCE NO. 2019-005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-700 TO ALLOW A CHANGEABLE ELECTRONIC VARIABLE MESSAGING SIGN (CEVMS) ON A 0.108 ACRE TRACT OF LAND IN THE ADOLPHUS HOPE HRS, A-261, LOCATED AT 3408 ST. MICHAEL DRIVE, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance so as to grant a **Specific Use Permit to allow a Changeable Electronic Variable Messaging Sign (CEVMS)** on a 0.108 acre tract of land in the Adolphus Hope HRS, A-261 (**Exhibit ‘A’**), located at 3408 St. Michael Drive in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and after holding hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas **voted six (6) to zero (0) to recommend approval of the application for a Specific Use Permit to allow a Changeable Electronic Variable Messaging Sign (CEVMS)** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that granting the **Specific Use Permit to allow a Changeable Electronic Variable Messaging Sign (CEVMS)** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended so as to grant a **Specific Use Permit numbered S-700 for the purpose of allowing a Changeable Electronic Variable Messaging Sign (CEVMS)** on a 0.108 acre tract of land in the Adolphus Hope HRS, A-261 (**Exhibit ‘A’**) in the City of Texarkana, Bowie County, Texas.

SECTION 2: That the following special terms and conditions are hereby imposed and made part of this Ordinance:

1. The existing west and east two sign faces will be converted to a single faced CEVMS on the east and west side of the existing billboard.
2. This sign faces will be 672 square feet in size (14' x 48') which is the maximum size allowed per Ordinance.
3. Per Ordinance, the owner shall coordinate with local authorities to display public service announcements (PSAs); and when appropriate, emergency information important to traveling public.
4. All local city permitting processes and requirements will be followed.
5. Applicant will be required to follow all applicable TxDOT Commercial Signs Regulatory Program guidelines (except if local codes are more restrictive) including but not limited to the following:
 - a. Obtain a state commercial sign permit if the sign is within 660 feet of the nearest edge of the right of way of a regulated highway or if any part of the sign's information content is visible from any place on the main-traveled way of the highway.
 - b. A sign face may not exceed: (1) 672 square feet in area; (2) 25 feet in height; and (3) 60 feet in length.
 - c. Permitted signs on the same side of a regulated freeway, including freeway frontage roads, may not be erected closer than 1,500 feet apart. For a highway on a non-freeway primary system and outside the incorporated boundaries of a municipality, permitted signs on the same side of the highway may not be erected closer than 750 feet apart. For a highway on a non-freeway primary system highway and within the incorporated boundaries of a municipality, permitted signs on the same side of the highway may not be erected closer than 300 feet apart.
 - d. A sign may not be located in a place that creates a safety hazard, including a location that: (1) causes a driver to be unduly distracted; (2) obscures or interferes with the effectiveness of an official traffic sign, signal, or device; or (3) obscures or interferes with the driver's view of approaching, merging, or intersecting traffic.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **11th day of February, 2019.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR