



ORDINANCE NO. 2018 - 2

**AN ORDINANCE AMENDING THE CITY OF RIO GRANDE CITY'S ORDINANCES AT CHAPTER 5, ARTICLE 5-8 SIGNS BY ADDING A HISTORIC SIGN DISTRICT AND OTHER RELATED REQUIREMENTS FURTHER ENUMERATED BELOW; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.**

**WHEREAS**, the Mayor and Commissioners seek to preserve the City of Rio Grande City Historic District and other areas within the city that have acquired historic landmark designations; and

**WHEREAS**, Chapter 211 of the Texas Local Government Code, authorizes zoning functions and procedures for municipalities; and

**WHEREAS**, Chapter 211 of the Texas Local Government Code, Section 211.005(a) authorizes the governing body of a municipality to divide the municipality into districts, within which the governing body may regulate the erections, constructions, reconstruction, alteration, repair, or use of buildings, other structures; and

**WHEREAS**, Chapter 214 of the Texas Local Government Code, Section 214.00111 provides additional authority to preserve substandard buildings as historic property.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF RIO GRANDE CITY, TEXAS, THAT:**

**Section 1:** Chapter 5, Article 5-8 Signs, Article V. Construction Specifications is hereby amended to reserve certain sections for future use and shall incorporate the following end citation reference:

Secs. 5-8-140 – 5-8-155. Reserved

**Section 2:** Chapter 5, Article 5-8 Signs, is hereby amended by adding Article VI. Signs within the Historic Sign District and shall read as follows:

Article VI. Signs within the Historic Sign District: Within this subsection, "Historic Sign District" includes land in a designated historic landmark or historic district or a National Register District.

**Sec. 5-8-156. Prohibited signs within the Historic Sign District.** A person may not place a handbill, poster, placard, or other temporary sign in the historic sign district, except inside a window or on a bulletin board and with the consent of the owner or tenant.

**Sec. 5-8-157. Other signs permitted within the Historic Sign District.**

(A) If a person files an application for a sign permit in the Historic Sign District and the application complies with all applicable regulations of this chapter and other building codes adopted by the City of Rio Grande City, then the Planning Director will review the application and determine whether it complies with the Historic Sign District guidelines described in subsection (B) and (C).

(B) In reviewing a sign permit application for the Historic Sign District, the Historic Preservation Commission shall consider:

- (1) the proposed size, color, and lighting of the sign;
- (2) the material from which the sign is to be constructed;
- (3) the concentration of other surrounding signs;
- (4) the proposed orientation of the sign with respect to the structures; and
- (5) as applicable, other factors that are consistent with the city's Historic Preservation Plan, the character of the National Register District, and the purpose of historic landmark and district regulations.

(C) The Rio Grande City the Historic Preservation Commission shall approve a sign permit application for the Historic Sign District if it determines that the proposed sign:

- (1) will not adversely affect a significant architectural or historical feature of the historic sign district; and
- (2) as applicable, is consistent with the city's Historic Preservation Plan, the character of the National Register District, and the purpose of historic landmark regulations.

(D) **Size and Placement:** All signs permitted under the terms of this ordinance shall be limited to two (2) feet x three (3) feet and maintain a minimum distance of fifty (50) feet between any other sign(s), in any direction

(E) **Permit application fee.** All permit applications to the Historic Preservation Commission for a permit under this subsection shall be accompanied by a fee of \$25.00.

(F) If the Rio Grande City the Historic Preservation Commission does not review a sign permit application for the Historic Sign District by the 60th day after the application is filed, then the application is considered approved by the Rio Grande City Planning and Zoning Commission. Proof of receipt of a permit application must be evidenced by a mark entered by the Historic Preservation Commission to be considered stamped and received.

(G) **Removal of signs.**

Except as otherwise provided, in the event the owner fails to comply with the provisions of this section, code enforcement shall send written notice directing the abatement of any violation, personally, or by serving the owner by certified mail or by publication two times within ten days in the official newspaper of the city if the owner cannot be served personally, or if the owner's address is unknown. If the owner fails to comply with the notice of abatement within ten working days after notice, the sign shall be deemed a

nuisance. The Planning Director shall cause the nuisance to be abated and shall charge all costs and expenses incurred therewith to the owner. The expenses assessed for abatement shall be actual removal expenses, but not less than \$25.00, plus an administrative fee of \$80.00. Prohibited signs confiscated by the city will be stored for ten days, and may be claimed by owner by payment of \$5.00 per sign, plus any cost of removal as stated above. Any confiscated sign not claimed within ten days of the notice described herein may be destroyed.

Secs. 5-8-158 – 5-8-170. Reserved

**Section 3:** A copy of this ordinance will be made available to the public through the City Secretary's Offices. The fee requirements will be made available to the public through the City's Planning Director.

**Section 4:** Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision will not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**Section 5:** This ordinance will take effect immediately from or after its passage, approval and adoption by the City Commission, following the second reading of this ordinance.

**Section 6:** The City Commission finds and determines that the meetings at which this ordinance was passed, approved and adopted were open to the public and that public notice of the time, place, and purpose of said meetings were duly given as required by the Texas Open Meetings Act.

**PASSED AND APPROVED** by the City Commission of Rio Grande City, Texas, at first reading on this 15 day of November 2018 during a regular meeting of the City Commission of Rio Grande City, Texas which meeting was held in compliance with the Open Meetings Act, Texas Government Code 551.001, et Seq, at which a quorum was present and voting.

**PASSED AND ADOPTED** by the City Commission of Rio Grande City, Texas, at second reading on this 12 day of December 2018 during a regular meeting of the City Commission of Rio Grande City, Texas which meeting was held in compliance with the Open Meetings Act, Texas Government Code 551.001, et Seq, at which a quorum was present and voting.

  
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JOEL VILLARREAL, MAYOR  
CITY OF RIO GRANDE CITY, TEXAS

ATTEST:

  
\_\_\_\_\_  
Lyzette Pena, City Secretary

**APPROVED AS TO FORM:**

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Calixtro Villarreal, City Attorney