

ORDINANCE NO. _____

CITY OF WOODCREEK, TEXAS

AMENDMENT TO CHAPTERS 152 AND 156 OF THE CODE OF ORDINANCES LAND USAGE ORDINANCE

AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE XV ("LAND USAGE"), CHAPTER 152 ("SIGNS") AND CHAPTER 156 ("ZONING – RESIDENTIAL REQUIREMENTS AND LIMITATIONS"); PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.

WHEREAS, the City Council recognizes the unique qualities of the City of Woodcreek as an attractive example of civic pride to homeowners, home renters, and home buyers alike and finds that regulation of the duration and frequency of garage sales to be desirable to preserve the peace and quality of life in Woodcreek; and

WHEREAS, the City Council finds that holding too frequent of garage sales within the City is inconsistent with residential uses and occupancy, and creates unnecessary noise, traffic, and disturbance to the neighborhood and the residents thereof; and

WHEREAS, the City Council finds it is desirable and reasonable to regulate such sales activity within the City so as to preserve the benefits of residential areas and protect the public health, safety, and welfare; and

WHEREAS, the City Council further finds that public streets within the City limits are narrow, and do not have adequate space to allow parking within the street, and so too frequent garage sales at a location could significantly and negatively impact the surrounding residencies and pose a hazard to public safety; and

WHEREAS, the City Council finds that the regulation of garage sign posting through a permit process and fee schedule to be desirable to ensure the attractiveness of public spaces and the removal of signs in a timely manner so that they do not become a pollutant in our greenspaces and waterways; and

WHEREAS, the City Council finds that the regulation of garage sign posting through a permit process and fee schedule to be desirable to ensure the attractiveness of public spaces and the removal of signs in a timely manner so that they do not become a pollutant in our greenspaces and waterways; and

WHEREAS, section 51.012 of the Local Government Code provides a Type A general law municipality, such as the City of Woodcreek, Texas, may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Woodcreek:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapters 152 ("Signs") and 156 ("Zoning") of the Code of Ordinances of the City of Woodcreek are amended so as to read in accordance with Attachments A, B, and C, which are attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby authorized and directed to record and publish the language of Chapters 152 and 156 as amended by this Ordinance, in the City's Code of Ordinances.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon its passage and the publication of caption of this ordinance as provided by law.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. 27

PASSED & APPROVED this, the ___ day of November 2022, by a vote of ____ (ayes) to ____ (nays) and ____ (abstentions) of the City Council of Woodcreek, Texas.

Jeff Rasco, Mayor

Suzanne Mac Kenzie, City Secretary

Attachment "A"

City of Woodcreek

CODE OF ORDINANCES

TITLE XV: LAND USAGE

CHAPTER 156: ZONING – RESIDENTIAL REQUIREMENTS AND LIMITATIONS

§ 156.060 GARAGE AND YARD SALES

(A) Garage and yard sales shall be limited to the personal belongings of the occupants of the residence, specifically those of the owners or renters living at the residence, along with immediate family and two (2) additional residents of the City.

(B) Garage sales may only be conducted during the hours of sunrise to sunset.

(C) Such sales shall be limited to City residents and to duration no longer than three days. There shall be no more than two (2) sales at a location by the same owner/resident in a single calendar year. Participation in the Community Garage Sale event does not count towards this total.

(D) Auctions require a special event permit and must be held by a licensed auctioneer.

(E) Sign Regulation (See 152.43 (P) Garage Sale Signs and 152.26 (C) for Right-of-Way Signs)

(1) Garage sale signs shall not be posted on any property within the City limits or the ETJ, other than the posting locations designated by the City and the property that is the site of the garage sale. An exception may be made if the garage sale host receives explicit permission to post additional signage on neighbor(s) lot(s). The City should be notified of any additional signs placed on any private lots other than the location of the sale. ALL signs MUST be removed in a timely manner or a fine may be imposed (See 152.26 (C) 8).

(2) A permit is required to post in any or all of the locations designated by the City. The application for the permit may be found on the City's website.

(3) A garage sale sign may not exceed four square feet and may be erected no more than two days prior and one day after the garage sale.

(4) Garage sale signs on posted locations designated by the City may cost no more than \$5 per sign as part of the permit process. This fee schedule is ONLY applicable to residents and ONLY for garage sale signs. All non-residents and all other signs will follow the regular right-of-way sign permit fee as outlined in section 152.26 (C) of the code of ordinances.

(5) Penalties for violation of Right-of-Way Signs (See 152.99). It is a violation of 152.26 to place or otherwise locate a sign upon the City's rights-of-way without express written authorization as set forth herein. Any person who violates 152.26 shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$1.00 and not to exceed \$200. Each incident of violation of 152.26 of this chapter shall constitute a separate offense.

(F) Rain Check Policy. If a resident must cancel the sale due to inclement weather, they must notify the city on the next business day in order to reschedule the sale. If they fail to notify the city on the next business day, the sale will be charged to the annual limit of garage sales allowed for that resident at that location.

(G) It shall be the duty of the persons conducting the garage sale to remove all accessories to the sale after its completion and restore the premises to the state and condition that existed prior to the sale.

Attachment "B"

City of Woodcreek

CODE OF ORDINANCES

TITLE XV: LAND USAGE

CHAPTER 152: SIGNS – DESIGN GUIDELINES

§ 152.26 - RIGHTS-OF-WAY SIGNS.

(C) Rights-of-way signs. For the purpose of advertising or messaging, including but not limited to, public service messages, garage, yard, open house and estate sales within the City, public events, the City Council hereby orders and directs that the City Manager authorize and implement the following provisions governing the placement of signs in the City's rights-of-way at the locations designated, and that such signs and devices be hereafter maintained and enforced by the City.

(1) The City Manager is hereby instructed to implement the construction and placement of removable weather-proof sign holders at each of the following locations,

- (a) Northwest corner of Ranch Road 12 and Brookmeadow Drive;
- (b) Northeast corner of Deerfield Drive and Woodcreek Drive;
- (c) Northeast corner of Triangle Park;
- (d) Northwest corner of Triangle Park;
- (e) Southwest corner of Woodcreek Drive and Ranch Road 12;
- (f) Intersection of Brookmeadow Drive and Augusta Drive;
- (g) Intersection of Champions Circle and Woodcreek Drive.

(2) The sign holders shall be constructed in a manner to allow the placement of a sign no larger than 24 inches wide by 30 inches high.

(3) In no instance shall the maximum height of any sign or sign holder exceed 36 inches above ground level.

(4) Written applications to place signs at the designated locations shall be submitted to the City Manager no earlier than 30 days in advance of the date for which the sign placement is requested.

(5) Applicants must submit a permit application, along with permit application fees to the City Manager in a timely fashion as described above.

- (a) For all non-residents, and for any sign other than a garage sale or yard sale sign, the fee is \$25.00 application fee for the first sign. Signs at each additional location require an additional \$10.00 fee per location.**

(b) For residents wanting to place garage and yard sale signs the fee will be \$5 per sign.
Proof of residency required.

(6) Signs shall be considered on a first-come, first-serve basis,

(7) No more than three signs are permitted at any one location at any one time.

(8) Signs shall be limited to 72 hours total placement time before removal. The City Manager may authorize an extension of up to 48 additional hours.

(9) In no instance shall streamers, balloons, strobe lights, or any other attachment to the signs be permitted.

(10) In the event the signs are not removed by the applicant or applicant's agent by the date and time set forth on the approved application and permit, the City may remove and dispose of the sign.

Attachment "C"

City of Woodcreek

CODE OF ORDINANCES

TITLE XV: LAND USAGE

CHAPTER 152: SIGNS – PROHIBITIONS AND RESTRICTIONS

§ 152.43 RESTRICTIONS ON CERTAIN SIGNS

(P) Garage sale signs. Garage sale signs shall not be posted on any property within the City limits or the ETJ, other than the posting locations designated by the City and the property that is the site of the garage sale. **An exception may be made if the garage sale host receives explicit permission to post additional signage on neighbor(s) lot(s). The City should be notified of any additional signs placed on any private lots other than the location of the sale. ALL signs MUST be removed in a timely manner or a fine may be imposed (See 152.26 (C) 8).** A permit is required to post in any or all of the locations designated by the City. The application for the permit may be found on the City's website. A garage sale sign may not exceed four square feet and may be erected no more than two days prior and one day after the garage sale.