



**CITY OF FRIENDSWOOD
PLANNING AND ZONING COMMISSION REGULAR MEETING
THURSDAY, JULY 13, 2023 - 6:00 P.M.
CITY COUNCIL CHAMBERS, CITY HALL
910 S. FRIENDSWOOD DRIVE
FRIENDSWOOD, TEXAS 77546**

AGENDA

1. CALL TO ORDER

2. COMMUNICATIONS FROM THE PUBLIC

In order to comply with provisions of the Open Meetings Act, the Commission may not deliberate on subjects discussed under this agenda item. However, the Commission may direct such subjects to be placed on a later regular Commission agenda for discussion and/or possible action.

3. OATHS OF OFFICE

- A.** Administer the oath of office to Commissioner Thomas Hinckley and Commissioner Travis Mann.

4. CONSENT AGENDA

These items are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a commissioner so requests in which case the item would be removed from the consent agenda and considered separately.

- A.** Consider approving the minutes of the Planning and Zoning Commission Regular Meeting held on June 22, 2023.

5. ACTION ITEMS

A. PROPOSED AMENDMENTS TO THE PERMITTED USE TABLE

- i** Conduct a public hearing regarding proposed amendments to Appendix C, Zoning Ordinance, Section 7.P.6. Permitted Use Table, including updates to categories because of changes to the North American Industry Classification System (NAICS) reference book, changes in allowed uses in the commercial zoning districts, and to remove sub note (b).5. S1, which was inadvertently left off changes made with Ordinance 2022-01.
- ii** Consider making a recommendation regarding proposed amendments to Appendix C, Zoning Ordinance, Section 7.P.6. Permitted Use Table, including updates to categories because of changes to the North American Industry Classification System (NAICS) reference book, changes in allowed uses in the commercial zoning districts, and to remove sub note (b).5. S1, which was inadvertently left off changes made with Ordinance 2022-01.

6. DISCUSSION

- A.** Discuss proposed amendments to Appendix A, Sign Ordinance.

7. COMMUNICATIONS

- A. Receive an update from Freese and Nichols regarding the City's impact fees - Capital Improvements Advisory Committee.
- B. Announcement of the next Planning and Zoning Commission regular meetings for (i) Thursday, July 27, 2023 and (ii) Thursday, August 10, 2023.
- C. Receive the June 2023 DRC Report, Council Liaison updates concerning action taken by the City Council on Planning and Zoning related items, and Commissioner comments concerning items of community interest and/or requesting future agenda items.

8. ADJOURNMENT

PUBLIC NOTICE IS GIVEN THAT IN ADDITION TO ANY EXECUTIVE SESSION LISTED ABOVE, THE PLANNING AND ZONING COMMISSION RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE SECTIONS 551.071 - 551.090 TO DISCUSS ANY MATTERS LISTED ABOVE.

THE CITY OF FRIENDSWOOD IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE ACCOMMODATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST. PLEASE CONTACT THE CITY SECRETARY'S OFFICE BY PHONE AT (281) 996-3270, FAX (281) 482-1634, OR CONTACT (281) 996-3270 VIA RELAY TEXAS AT 711 OR 1-800-735-2988 FOR TYY SERVICES. FOR MORE INFORMATION CONCERNING RELAY TEXAS, PLEASE VISIT: [HTTP://RELAYTEXAS.COM](http://RELAYTEXAS.COM).



Aubrey Harbin, LEED AP
Director of Community Development/City Planning



Posted by: Leticia Brysch, City Secretary
Posted in compliance with the Texas Open Meetings
Act this 10th day of July 2023, at 5:00 P.M.



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: July 13, 2023

Subject: Consider approving the minutes of the Planning and Zoning Commission Regular Meeting held on June 22, 2023.

Action:

SUMMARY / ORIGINATING CAUSE

This item allows the Commission to review and approve the minutes of the Planning and Zoning Commission Regular Meeting held on June 22, 2023. Said minutes are attached to the item.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Staff recommends approval.

ATTACHMENTS

1. 06-22-2023 PZ Minutes



**CITY OF FRIENDSWOOD
PLANNING AND ZONING COMMISSION
THURSDAY, JUNE 22, 2023 - 6:00 PM**

Minutes

MINUTES OF A FRIENDSWOOD REGULAR MEETING HELD AT 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS, FRIENDSWOOD CITY HALL, COUNCIL CHAMBERS

STATE OF TEXAS
CITY OF FRIENDSWOOD
COUNTIES OF GALVESTON/HARRIS
JUNE 22, 2023

1. CALL TO ORDER

MINUTES OF A REGULAR MEETING OF THE FRIENDSWOOD PLANNING AND ZONING COMMISSION THAT WAS HELD ON THURSDAY, JUNE 22, 2023, AT 06:00 PM 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS

CHAIRMAN TOM HINCKLEY
VICE-CHAIRMAN RICHARD SASSON
COMMISSIONER MARCUS RIVES
COMMISSIONER BRIAN BOUNDS
COMMISSIONER MARSHA CONRAD
COUNCIL LIAISON TRISH HANKS
CITY ATTORNEY KAREN HORNER
DIRECTOR OF CDD/PLANNER AUBREY HARBIN
ASSISTANT PLANNER BECKY BENNETT

COMMISSIONER TRAVIS MANN AND COMMISSIONER CATHERINE KOERNER WERE ABSENT FROM THE MEETING.

2. COMMUNICATIONS FROM THE PUBLIC

In order to comply with provisions of the Open Meetings Act, the Commission may not deliberate on subjects discussed under this agenda item. However, the Commission may direct such subjects to be placed on a later regular Commission agenda for discussion and/or possible action.

None.

3. CONSENT AGENDA

These items are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a commissioner so requests in which case the item would be removed from the consent agenda and considered separately.

- A. Consider approving the minutes of the Planning and Zoning Commission Regular Meeting held Thursday, June 8, 2023.

****Vice-Chairman Richard Sasson moved to approve the minutes of the Planning and Zoning Commission Regular Meeting held Thursday, June 8, 2023. Seconded by Commissioner Marcus Rives. The motion was approved unanimously.**

4. ACTION ITEM

- A. Consider approval of a Partial Preliminary Plat of Friendswood Trails, Section 4B and 5A, a subdivision of 29.964 acres of land situated in the William Henry Survey, Abstract 84, and Mary Sloan Survey, Abstract 184, City of Friendswood, Galveston County, Texas.

****Vice-Chairman Richard Sasson moved to approve a Partial Preliminary Plat of Friendswood Trails, Section 4B and 5A. Seconded by Commissioner Marcus Rives. The motion was approved unanimously.**

Harbin said this is the next section of Friendswood Trails subdivision and would consist of 46 lots ranging from 70-feet wide to 90-feet wide. She further stated the proposed plat is in compliance with the Planned Unit Development approved in 2016. Sasson said he is concerned with a single entry point for the subdivision.

- B. Consider site plan amendments (screening and landscaping changes) for Industry Park II located at 4550 and 4552 FM 2351 for the following items:

Harbin said the site plan for Industry Park II was approved by the Commission in 2022. For the benefit of new commissioners, she said the original project consisted of multiple tracts the developer was seeking a PUD for. City staff and a Planning and Zoning subcommittee met with the developer several times and compromised with 5 ordinance changes. She said the changes allowed the developer more flexibility.

Stephanie Canady/Coastal Bend Engineering said they are almost done with construction and proposed the following changes (items 1-9).

Commissioner Rives said he would support most of the changes but thought the screening fence should remain instead of chain link fencing.

Commissioner Sasson said the Commission and the developer engaged in extensive negotiations to reach the current plan. He asked why the buffer trees should not be required. Canady explained the existing ditch was overgrown and encroaching their property. She said installing trees on the bank would make it harder to maintain mowing along the area. She said trees could also obscure the security cameras' views. Sasson commented a few extra cameras could alleviate the hard to see areas. Sasson said the proposed chain link fencing with barbed wire is not the look desired in Friendswood.

Commissioner Conrad said the trees should be planted. She also mentioned there were many different types of fencing that could be used instead of chain link. Harbey said the approved plan

was similar to Garage Ultimate which utilized the building backs as part of the screening "fence."

Bounds asked if they had looked into installing more cameras. Canady answered that it would increase costs.

- 1 The addition of an 8' high wooden opaque fence along the shared property line with Chevron from Bldg A to the existing fence at Discount Inspection & Brake.

**Vice-Chairman Richard Sasson moved to approve the addition of an 8' high wooden opaque fence along the shared property line with Chevron from Bldg A to the existing fence at Discount Inspection & Brake. Seconded by Commissioner Marcus Rives. The motion was approved 3-2 with Chairman Tom Hinckley and Vice-Chairman Richard Sasson opposed.

- 2 Replace the previous 8' high opaque fence between Bldgs A & 6, 6 & 5, and part of the Section between Bldgs 5 & 3 with a 6' high chain link fence with 3 strands of barbed wire

**Vice-Chairman Richard Sasson moved to approve replacing the previous 8' high opaque fence between Bldgs A & 6, 6 & 5, and part of the Section between Bldgs 5 & 3 with a 6' high chain link fence with 3 strands of barbed wire. Seconded by Commissioner Marcus Rives. The motion failed 2-3 with Chairman Tom Hinckley, Vice-Chairman Richard Sasson, and Commissioner Marcus Rives opposed.

- 3 Remove the 1 tree per 25 linear foot along the top bank of the pond.

**Commissioner Marcus Rives moved to approve removing the 1 tree per 25 linear foot along the top bank of the pond. Seconded by Vice-Chairman Richard Sasson. The motion failed 2-3 with Chairman Tom Hinckley, Vice-Chairman Richard Sasson, and Commissioner Brian Bounds opposed.

- 4 Modified landscaping plan

**Commissioner Brian Bounds moved to approve a modified landscaping plan, decreasing mitigation trees from 12 trees to 9 trees. Seconded by Vice-Chairman Richard Sasson. The motion was approved unanimously.

- 5 Increase gate sizes to 4' wide gates

**Commissioner Marcus Rives moved to approve increasing gate sizes to 4' wide gates. Seconded by Vice-Chairman Richard Sasson. The motion was approved unanimously.

- 6 Modified fire lanes per discussion with Fire Marshal's Office

**Commissioner Brian Bounds moved to approve modifying fire lanes per discussion with Fire Marshal's Office. Seconded by Commissioner Marcus Rives. The motion was approved unanimously.

- 7 Move gate locations along the driveway

**Commissioner Marcus Rives moved to approve moving gate locations along the driveway. Seconded by Vice-Chairman Richard Sasson. The motion was approved unanimously.

- 8 Move ADA parking space at 4500 FM 2351 near Bldg 1 to meet maximum slope requirements.

**Commissioner Marcus Rives moved to approve moving ADA parking space at 4500 FM 2351

near Bldg 1 to meet maximum slope requirements. Seconded by Commissioner Marsha Conrad. The motion was approved unanimously.

9 Replace proposed 6-ft aluminum fence with 8-ft opaque wood fence

**Vice-Chairman Richard Sasson moved to approve replacing proposed 6-ft aluminum fence with 8-ft opaque wood fence. Seconded by Commissioner Marcus Rives. The motion was approved unanimously.

5. DISCUSSION

A. Discuss overhead versus underground utilities.

Bennett explained the Ordinance Subcommittee discussed requiring all utility wires be installed underground for new development. She said the subcommittee has provided an informational sheet in the backup material discussing the pros and cons. She said the subcommittee's goal is to receive consensus from the full commission before workshopping the item with City Council.

The commission agreed underground utility lines would make the city look much nicer. Rives commented that large developers usually include underground utilities but smaller projects may not be able to afford the additional cost.

6. COMMUNICATIONS

A. Announcement of the next Planning and Zoning Commission regular meetings for (i) Thursday, July 13, 2023 and (ii) Thursday, July 27, 2023.

B. Receive Staff updates, Council Liaison updates concerning action taken by the City Council on Planning and Zoning related items, and Commissioner comments concerning items of community interest and/or requesting future agenda items.

Sasson thanked staff for all their help and encouraged the other commissioners to reach out to staff at any time, especially if they need assistance with complicated agenda items.

Rives seconded staff's helpfulness. He said after mentioning the high number of flag banners in town, staff has made progress having them removed. He said he would like to work with staff and/or the commission, in the future, to research parking possibilities for Downtown Friendswood.

7. ADJOURNMENT

This meeting was adjourned at 07:14 PM.



FRIENDSWOOD PLANNING & ZONING COMMISSION

AGENDA ITEM FORM

Meeting Date: July 13, 2023

Subject: Conduct a public hearing regarding proposed amendments to Appendix C, Zoning Ordinance, Section 7.P.6. Permitted Use Table, including updates to categories because of changes to the North American Industry Classification System (NAICS) reference book, changes in allowed uses in the commercial zoning districts, and to remove sub note (b).5. S1, which was inadvertently left off changes made with Ordinance 2022-01.

Action:

SUMMARY / ORIGINATING CAUSE

The Permitted Use Table is part of the Zoning Ordinance that defines which uses are allowed in each zoning district throughout the City of Friendswood. Zoning Districts are established in Section 2 of the Zoning Ordinance and further defined in Section 7. The NAICS use numbers are derived from the North American Industry Classification System, which is the standard used federal statistical agencies to classify business establishments.

The changes to the table are a result of the following:

- Amendments to match changes to the updated NAICS code book (2022). The NAICS codes are updated every 5 years. A few examples of these changes include:
 - o Definition changes - several categories under Retail 44-45 changed from "stores" to "retailers"
 - o 442 is no longer a valid code; code changed to 4491
 - o 448 is no longer a valid code; code is now 458
 - o 518 - definition changed from "Data processing, hosting, and related services" to "Computing infrastructure providers, data processing, web hosting and related services"
- Cumulative zoning use whereby, if a use is allowed in Community Shopping Center (CSC) or Downtown District (DD), it would also be allowed in Industrial (I) and Light Industrial (LI).
- Allow breweries and wineries in the Downtown District, (NAICS Use 3121) and Community Shopping Center (CSC) and remain Office Use in commercial and Specific Use Permit (SUP) in industrial areas. This item was on the P&Z To Do List for this year. Tobacco Manufacturing (NAICS 3122) was separated out and left unchanged.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Amendments to the table will update the NAICS codes to the 2022 version of the code references. Other changes will also expand the allowed uses in the commercial districts throughout the City.

RECOMMENDATIONS

None at this time.

ATTACHMENTS

1. Proposed Amendments to Permitted Use Table Redlines 05-12-2023

6. Permitted use table.

Residential Uses	SFR and SFR-E	GHD	MFR-L	MFR-M	MFR-H	MHR	CSC	NC	LNC	OPD	DD	A-1	L1	I	BP
Single-Family Residence	P		P												
Garden Home Residence		P													
Multiple-Family Residence—Low Density			P	P	P										
Multiple-Family Residence—Medium Density				P	P										
Multiple-Family Residence—High Density					P										
Mobile Home Residence						P									

	2017 NAICS Industry Descriptions	SFR and SFR-E	GHD	MFR-L	MFR-M	MFR-H	MHR	CSC	NC	LNC	OPD	DD	A-1	L1	I	BP
	Sexually oriented businesses (Ch. 62)														S	
11	<i>Agriculture, Forestry, Fishing and Hunting</i>															
111	Crop production							O	O		O	O	P			
1114	Greenhouse, nursery, and floriculture production										O	O	P	S	S	O
112	Animal production and aquaculture							O	O		O	O	P			
113	Forestry and logging										O	O	P	S	P	
1133	Logging										O	O	S		S	

114	Fishing, hunting, and trapping									O	O		P			
115	Support activities for agriculture and forestry							O	O		O	O	P		O	
21	<i>Mining, Quarrying, and Oil and Gas Extraction</i>															
211	Oil and gas extraction									O	O		S	S	S	
212	Mining, (except oil and gas)									O	O		S	S	S	
213	Support activities for mining									O	O		S	S	S	
22	<i>Utilities</i>															
221	Utilities									O	O			S	P	O
23	<i>Construction</i>															
236	Construction of buildings							O	O		O	O		P	P	P
237	Heavy and civil engineering construction							O	O		O	O		P	P	S
238	Specialty trade contractors							O	O		O	O		P	P	P
31—33	<i>Manufacturing</i>															
311	Food manufacturing							O			O	O		S	S	S
311811	Retail bakeries							P	P		P			P	P	
3121	Beverage and tobacco product manufacturing							O			O	O-P		S	S-P	S-P

Commented [bb1]: Uses allowed in CSC-DD should be allowed in I and LI.

Commented [AH2R1]: This resolves the wants for Dan, Stephanie and Kevin, specifically for 522, 523, 524, 525, and 621.

Commented [bb3]: Permit Beverage manufacturing to allow for wineries, breweries, and distilleries. Separate Tobacco manufacturing and remain Office Use in commercial and SUP in industrial areas.

3122	Tobacco manufacturing							<u>O</u>			<u>O</u>	<u>O</u>		<u>S</u>	<u>S</u>	<u>S</u>
313	Textile mills							O			O	O		S	S	S
314	Textile product mills							O			O	O		S	S	S
315	Apparel manufacturing							O			O	O		S	S	S
316	Leather and allied product manufacturing							O			O	O		S	P	S
3161	Leather and hide tanning and finishing							O			O	O		O	S	O
321	Wood product manufacturing							O			O	O		S	P	S
322	Paper manufacturing							O			O	O		O	S	O
323	Printing and related support activities							S			O	S		P	P	P
323113	Commercial screen printing							P	S		O	P		P	P	P
324	Petroleum and coal products manufacturing							O			O	O		S	S	S
325	Chemical manufacturing							O			O	O		S	S	S

(Supp. No. 4)

Created: 2022-06-23 09:38:46 [EST]

3254 12	Pharmaceuti cal preparation manufacturi ng							O			O	O			P	P	P
326	Plastics and rubber products manufacturi ng							O			O	O			S	P	S
3262	Rubber product manufacturi ng							O			O	O			O	P	O
327	Nonmetallic mineral product manufacturi ng							O			O	O			O	P	O
331	Primary metal manufacturi ng							O			O	O			O	S	O
332	Fabricated metal product manufacturi ng							O			O	O			S	P	S
333	Machinery manufacturi ng							O			O	O			S	P	S
334	Computer and electronic product manufacturi ng							O			O	O			P	P	P
335	Electrical equipment, appliance, and							O			O	O			P	P	P

(Supp. No. 4)

Created: 2022-06-23 09:38:46 [EST]

4411	Automobile dealers							O			O	O			P	P	O
4412	Other motor vehicle dealers							O			O	O			P	P	O
4413	Automotive parts, accessories, and tire stores retailers							P	S		O	O			P	P	P
442 4491	Furniture and home furnishing stores retailers							P	P		O	P			S	S	P
443 4492	Electronics and appliance stores retailers							P	P		O	P			S	S	P
444	Building material and garden equipment and supplies dealers							P	P		O	P			P	P	P
4441 890	Other building material dealers							S	S		O	O			S	S	S
445	Food and beverage stores retailers							P	P		O	P			S P	P	S
446 4561	Health and personal care stores retailers							P	P		O	P			P	P	P

447 457	Gasoline stations and fuel dealers							P	P		O				P	P	
4471 90 4571 2	Other gasoline stations										O	O			S	S	
448 458	Clothing, and clothing accessories, shoe, and jewelry retailers stores							P	P		O	P			P	P	P
451 4591	Sporting goods, hobby, and musical instrument, book and music stores retailers							P	P		O	P			P	P	P
4592	Book retailers and news dealers							P	P		O	P			P	P	P
4593	Florists							P	P		O	P			P	P	P
4594	Office supplies, stationary, and gift retailers							P	P		O	P			P	P	P
452 455	General merchandise stores retailers							P	P		O	P			P	P	P
453	Miscellaneous store retailers							P	P		O	P			P	P	P
4533 4595	Used merchandise							P	P			P			P	P	P

Commented [BB4]: Combined with 459

	stores retailers																		
4539 3 4599 3	Manufactur ed (mobile) home dealers											O	O				S		
4539 9 4599	All-o ther miscellaneo us-store retailers							P	P			P			P	P		P	
454	Nonstore retailers							S	S			O	S			S	S		S
48— 49	Transportation and Warehousing																		
481	Air transportati on											O	O			O	O		O
482	Rail transportati on											O	O			S	P		S
483	Water transportati on											O	O			O	S		O
484	Truck transportati on											O	O			P	P		S
485	Transit and ground passenger transportati on							S	S			O	S			S	S		S
486	Pipeline transportati on	S	S	S	S	S	S	S	S			S	S			S	S	S	S
487	Scenic and sightseeing transportati on							S				O	P						P
488	Support activities for							S	S			O	O			S	P		P

Commented [BB5]: Category removed.

(Supp. No. 4)

Created: 2022-06-23 09:38:46 [EST]

	transportation																		
48841	Motor vehicle towing									O	O			S	P		O		
491	Postal service							P	P		O	P			P	P		P	
492	Couriers and messengers							P	P		O	P			P	P		P	
493	Warehousing and storage										O	S			P	P		P	
51	<i>Information</i>																		
511 <u>513</u>	Publishing industries							P			O	P			P	P		P	
512	Motion picture and sound recording industries							S			O	S			S	S		S	
515 <u>516</u>	Broadcasting and content providers (except internet)							S	S		O	O			P	P		P	
517	Telecommunications							S	S		O	S			P	P		P	
5179 <u>5171</u> <u>21</u>	Telecommunication resellers							P	P		O	P			P	P		P	
518	Computing infrastructure providers, data processing, web hosting and related services							S	S		O	S			S	P		P	
519	Web search portals,							S	S		O	S			S	P		P	

(Supp. No. 4)

Created: 2022-06-23 09:38:46 [EST]

	libraries, archives, and other information services																		
52	Finance and Insurance																		
521	Monetary authorities — Central bank							P	P		P	P			P	P			
522	Credit intermediation and related activities							P	P		P	P			P	P			
5222 98 5222 99	International, secondary market, and all other nondepository credit intermediation (i.e., pawn shops)							S			O	S			S	P			P
523	Securities, commodity contracts, and other financial investments and related activities							P	P		P	P			P	P			
524	Insurance carriers and related activities							P	P		P	P			P	P			P
525	Funds, trusts, and other financial vehicles							P	P		P	P			P	P			P

(Supp. No. 4)

Created: 2022-06-23 09:38:46 [EST]

53	<i>Real Estate and Rental and Leasing</i>														
531	Real estate						P	P		P	P			P	P
53113	Lessors of miniwarehouses and self-storage units						O	O		O	O			O	P
532	Rental and leasing services						P	S		O	S			P	P
53212	Truck, utility trailer, and RV rental and leasing						O	O		O	O			O	P
533	Lessors of nonfinancial intangible assets (except copyrighted works)						P	P		P	P			P	P
54	<i>Professional, Scientific, and Technical Services</i>														
541	Professional, scientific, and technical services						P	P		P	P			P	P
54138	Testing laboratories						S			O	S			S	P
55	<i>Management of Companies and Enterprises</i>														
551	Management of companies and enterprises						P	P		P	P			P	P
56	<i>Administration and Support and Waste Management and Remediation Services</i>														
561	Administrative and support services						P	P		O	P			P	P

(Supp. No. 4)

Created: 2022-06-23 09:38:46 [EST]

561730	Landscaping services							S			O	O		S	P	S
56179	Other services to buildings and dwellings							S			O	O		S	P	P
562	Waste management and remediation services										O	O		S	P	S
61	<i>Educational Services</i>															
6111	Elementary and secondary schools	S	S	S	S	S	S	S	S		O	S		S	S	S
6112	Junior colleges							S			O	S		S	S	S
6113	Colleges, universities, and professional schools							S			O	S		S	S	S
6114	Business schools and computer and management training							S			O	S		S	S	S
6115	Technical and trade schools							S			O	S		S	S	S
6116	Other school and instruction							P	P		P	P		S	P	P
62	<i>Health Care and Social Assistance</i>															
621	Ambulatory health care services							P	P		P	P			P	P
622	Hospitals							P			O	S		P	P	P

(Supp. No. 4)

Created: 2022-06-23 09:38:46 [EST]

6231	Nursing care facilities— Skilled nursing facilities							S	S		O	S			S		
6232	Residential, intellectual and development disability, mental health, and substance abuse facilities	P	P	P	P	P	P										
6233 11	Continuing care retirement communities (with on-site nursing)							S	S		O	S			S	S	
6233 12	Assisted living facilities for the elderly (without on-site nursing)							S	S		O	S			S	S	
624	Social assistance							S			O	S			S	S	S
6244	Child day care services (childcare centers)							P	P		O	P			P	P	
6244	Child day care services (registered and/or licensed childcare home)	P	P														
71	Arts, Entertainment and Recreation																

(Supp. No. 4)

Created: 2022-06-23 09:38:46 [EST]

7111	Performing arts							P			O	P		<u>P</u>	<u>P</u>	P
7112	Spectator sports							S			O	O		<u>P</u>	<u>P</u>	P
7113	Promoters of performing arts, sports, and similar events							P			O	P		<u>P</u>	<u>P</u>	P
712	Museums, historical sites, and similar institutions	S	S	S	S	S	S	P	S		O	P		S	S	S
7131	Amusement parks and arcades							<u>S</u>				<u>S</u>		S	P	
7132	Gambling industries															
7139	Other amusement and recreation industries											S		S	P	
7139 40	Fitness and recreational sports centers							P	S			P		P	P	
<u>7139 90</u>	<u>All other amusement and recreation activities</u>							<u>S</u>	<u>S</u>			<u>P</u>		<u>P</u>	<u>P</u>	
72	<i>Accommodation and Food Services</i>															
7211	Traveler accommodation							S			O	S		S	S	S
7212	RV (recreational vehicle)										O			S	S	

Commented [BB6]: Mary Kay email re: game rooms. I would not want to remove SUP for arcade type businesses, though. Give CC the option.

Commented [AH7R6]: I believe she was indicating that game rooms specifically should not be allowed in DD...and that allowing them in Industrial and Light Industrial is more common. That category includes regular arcades, so I would hate to limit that use...although if we allow it with a SUP in DD, I think we should allow it in CSC as well.

Commented [bb8R6]: Agreed.

Commented [bb9]: Will allow driving range with an SUP for the existing facility at 2920 W Parkwood Ave

	parks and recreational camps							S	P	O	S		S	S	S
7213	Roominghouses and boardinghouses							S	P	O	S		S	S	S
7223	Special food services							P	P	O	P		P	<u>P</u>	P
7224	Drinking places (more than 75% sales of alcoholic beverages)							S	P	O	S		S	<u>S</u>	S
7225	Restaurants and other eating places							P	P	O	P		P	<u>P</u>	P
81	<i>Other Services (Except Public Administration)</i>														
8111	Automotive repair and maintenance							P	S	O	S		S	P	
81112	Automotive body, paint, interior, and glass repair							S	S	O	S		S	P	
8112	Electronic and precision equipment repair and maintenance							S	P	O	O		S	P	P
8113	Commercial and industrial machinery and equipment							S	P	O	O		S	P	P

Created: 2022-06-23 09:38:46 [EST]

	(except automotive and electronic repair and maintenance)																		
8114	Personal and household goods repair and maintenance							S				O	O			S	P		P
8121	Personal care services							P	P			P	P			P	<u>P</u>		P
8122	Death care services							S	S			O	S			S	<u>S</u>		S
8123	Dry cleaning and laundry services							P	P			P	P			P	<u>P</u>		P
8129	Other personal services							P	P			P	P			P	<u>P</u>		P
8131	Religious organizations	S	S	S	S	S	S	S	S			O	S		S	<u>S</u>	<u>S</u>		<u>S</u>
8132	Grantmaking and giving services							O	O			O	O			O	<u>P</u>		O
8133	Social advocacy organizations							O	O			O	O			O	P		O
8134	Civic and social organizations							O	O			O	O			O	P		O
8139	Business, professional, labor, political, and							O	O			O	O			O	<u>P</u>		O

(Supp. No. 4)

Created: 2022-06-23 09:38:46 [EST]

	similar organization s																	
814	Private households	P	P	P	P	P	P					P (a)	P					
92	<i>Public Administration</i>																	
921	Executive, legislative, and other general government support							P			O	P		P	<u>P</u>		P	
922	Justice, public order, and safety activities							P			O	P		P	<u>P</u>		P	
9221 4	Correctional institutions														S			
923	Administrati on of human resource programs							P			O	P		P	<u>P</u>		P	
924	Administrati on of environment quality programs							P			O	P		P	<u>P</u>		P	
925	Administrati on of housing programs, urban planning, and community developmen t							P			O	P		P	<u>P</u>		P	
926	Administrati on of economic programs							P			O	P		P	<u>P</u>		P	

(Supp. No. 4)

Created: 2022-06-23 09:38:46 [EST]

927	Space research and technology							P			O	P			P	P
928	National security and international affairs							P			O	P			P	P

(a) Second floor and above.

(b) Legend:

1. P: Permitted.
2. S: Special use permit required.
3. O: Office use only.
4. Blank: Not permitted.

5. ~~S1: Site plan approval required; these facilities shall be subject to the following additional supplemental requirements at the time the first permit, certificate of occupancy, or zoning compliance request is submitted:~~

- a. ~~A site plan shall be submitted showing the layout of the proposed site, including present and proposed structures, driveways, parking areas, loading and delivery areas, trash collection areas, or other improvements. A site plan submitted under this subsection shall be subject to review and recommendation to the city council by the planning and zoning commission and approval by the city council.~~
- b. ~~An elevation shall be submitted that shows the exterior of the structure and any and all proposed changes to any existing building, yard, or other improvements. A personal care facility shall maintain its residential appearance. In no case will parking lots or spaces be authorized in a front yard, nor may loading and delivery areas, trash collection areas, or recreation areas be located in the front yard or so as to be visible from the street of any personal care facility.~~
- c. ~~A copy of the state license authorizing the individual proposing the use to open and operate such a facility, or, if the license has not been granted, a copy of the application submitted to the state department of licensing and regulation for such a license, along with a list of the remaining approvals or requirements to be met in order to obtain such a license. Within 60 days of receipt of such license, and in any case, prior to the issuance by the city of a certificate of occupancy for the facility, a copy of such state license shall be provided to the city's building official.~~
- d. ~~No personal care facility shall be allowed to open or operate until a license has been issued by the appropriate state regulatory agency. Any facility opening or operating without a valid state license or city-approved site plan shall be subject to immediate closure by the city and all remedies and penalties available under state law.~~
- e. ~~All applications filed with the city must indicate what type (A, B, or C) of facility is planned for operation under the licensing standards for personal care facilities, published by the state department of human services, so staff may evaluate the plans under the appropriate code requirements.~~

Commented [BB10]: Removal was unintentionally left out of Ordinance 2022-01.

~~f.—Compliance with all applicable city and state codes, ordinances and regulations shall be required prior to issuance of a certificate of occupancy for the operation of a personal care facility. In case of a conflict between city and state regulations, the more stringent shall control.~~

- (c) Notwithstanding the permitted uses depicted in this table, which are intended to address uses not otherwise regulated or restricted by federal, state, or related law for protected specific uses, it is the intention of the city to fully comply with all such legal requirements. Any applicant who is relying upon any such specific rules or regulations not otherwise addressed in this table shall provide the relevant provisions to the city for review.
- (d) *Swimming pool.* Exception for private recreation facilities under subsection (e) of this section.
1. If located in any residential zoning district, the pool shall be intended and used solely for the enjoyment of the occupants of the principal use of the property on which it is located and their guests.
 2. A swimming pool shall be deemed an accessory structure under the terms of this appendix, and shall, except as otherwise specifically provided herein, be subject to all requirements and restrictions hereunder. A swimming pool may be erected within a required rear yard, provided it is set back no closer than five feet from any rear lot line; but shall not be erected within any required front or side yard. Swimming pool pump, filter, and heating equipment may be located within a required side or rear yard, but not nearer than five feet from any side or rear property line.



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: July 13, 2023

Subject: Consider making a recommendation regarding proposed amendments to Appendix C, Zoning Ordinance, Section 7.P.6. Permitted Use Table, including updates to categories because of changes to the North American Industry Classification System (NAICS) reference book, changes in allowed uses in the commercial zoning districts, and to remove sub note (b).5. S1, which was inadvertently left off changes made with Ordinance 2022-01.

Action:

SUMMARY / ORIGINATING CAUSE

ACTION ITEM: See backup info and attachment to Public Hearing Item.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

ATTACHMENTS



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: July 13, 2023

Subject: Discuss proposed amendments to Appendix A, Sign Ordinance.

Action:

SUMMARY / ORIGINATING CAUSE

The Ordinance Subcommittee has been working on updates to the Sign Ordinance, which include the following proposed amendments:

- Adding, removing, combining, or relocating definitions for clarification
- Establishing a sign administrator
- Formalizing the reference to permit fees and required inspections
- Adding provisions to revoke permits
- Relocate measurement standards to a new section for clarity
- Incorporate the visibility triangle drawing
- Expand the prohibition of LED window lights to all zoning districts, not just Downtown District (DD)
- Add flag banners and inflatable signs and tethered balloons greater than 18 inches in diameter to the list of prohibited signs
- Add more specific criteria to illumination specifications
- Clarifications regarding temporary signs (banners); grand opening sign allowed for 14 days from date CO is issued; additional 21 calendar days are allowed throughout the year
- Added a provision for construction signs
- Updated political sign section in accordance with the State Election Code
- Incorporated street banner sign requirements, at City Council's direction
- Allow additional signage on fuel canopies
- Updated Non-Conforming Signs section
- Expanded Church definition to include religious organizations
- Added provision for appeals

This is still a discussion item. Once any additional comments are received and reviewed, the Commission will make a recommendation and ultimately, the proposed amendments would be forwarded to Council for consideration.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

These amendments would provide a comprehensive update of the Sign Ordinance and fill in some gaps of missing information and requirements that are much needed.

RECOMMENDATIONS

None at this time.

ATTACHMENTS

1. Sign Ord Appendix A Proposed Amendments July 2023

TABLE OF CONTENTS

Section 1.	Definitions
Section 2.	Administration
Section 3.	Violations are prohibited
Section 4.	Maintenance
Section 5.	Projection of signs
Section 6.	Structural requirements
Section 7.	Measurement standards
Section 8.	Traffic hazards
Section 9.	Prohibited signs
Section 10.	Signs on public property
Section 11.	Painted signs
Section 12.	Changeable copy signs
Section 13.	Illumination of signs
Section 14.	Portable signs
Section 15.	Temporary signs
Section 16-20.	Reserved
Section 21.	Permanent signs in residential districts
Section 22.	Permanent signs in non-residential districts
Section 23.	Reserved
Section 24.	Signs on vehicles
Section 25.	Obsolete signs
Section 256.	Nonconforming signs
Section 267.	Exceptions and exemptions
Section 278.	Variances
Section 28.	Appeals

Appendix A SIGNS¹

Sec. 1. Definitions.

The following words, terms and phrases, when used in this appendix, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

For the purposes of this Appendix A to subsection K of section 8 of Ordinance No. 84-15 as created by Ordinance No. 91-15 ("Appendix"), the following definitions shall apply:

Animated sign means a sign that uses movement to depict action or create a special effect or scene, or contains visible moving or rotating parts.

Awning means a shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

Banner sign means a temporary sign made of fabric or other non-rigid material that is fire-retardant.

Billboard means any sign containing a commercial or noncommercial message that directs attention to a business establishment, commodity, service, or entertainment conducted, sold, or offered elsewhere than on the premises where such sign appears. If such business establishment, commodity, service, or entertainment is merely incidental to the use of such property where such sign appears, such sign shall be deemed a billboard.

Business establishment means a project or undertaking that involves the use of one lot with buildings or structures, permanent or temporary, for the primary purpose of conducting on said lot a commercial enterprise, or other nonresidential use, in compliance with all ordinances and regulations of the city. Multiple services and/or goods offered by a business establishment shall be considered one business establishment for the purposes of this appendix.

Business frontage means the side of a building that contains the primary entrance of the building.

Business ~~P~~park means business establishments located in a business park zoning district (per Appendix C zoning ordinance).

Changeable copy sign ~~(automatic)~~ means a sign on which the copy changes either automatically, such as ~~by~~ electrical or electronic time and temperature units or.

~~Changeable copy sign (manual)~~ means ~~a sign on which copy is changed~~ manually in the field, such as reader boards with changeable letters.

Commented [AH1]: Add standard preface

Commented [bb2R1]: Added text consistent with other articles/appendices/chapters per Khorner.

Commented [BB3]: Combined definitions per RSasson.

¹Editor's note(s)—Printed herein are the sign regulations, as adopted by Ord. No. 98-29 on Sept. 28, 1998, which amended Ord. No. 84-15, the zoning ordinance (Appendix C hereof). Ord. No. 98-29, § 1, adopted Sept. 28, 1998, repealed Appendix A, Signs, in its entirety and replaced it with a new Appendix A. Former Appendix A derived from Ord. No. 91-15, adopted June 17, 1991. Amendments to Ord. No. 98-29 are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance.

State law reference(s)—Restriction on signs advertising tobacco products, V.T.C.A., Health and Safety Code § 161.122; regulation of signs by home-rule municipality, V.T.C.A., Local Government Code § 216.901; regulation of political signs by municipality, V.T.C.A., Local Government Code § 216.903.

Changeable electronic variable message sign (CEVMS) means a sign that permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. The term "CEVMS" does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the manual on uniform traffic control devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

Civic sign means a sign that identifies a nonprofit institution or organization ~~that contains:~~

- ~~(1) The name of the institution or organization;~~
- ~~(2) The name of the person connected with it; and/or~~
- ~~(3) Greetings, announcements of events or activities occurring at the institution, or similar message.~~

Commercial message means a message that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other commercial activity that is conducted for profit by a person or entity in business for profit.

Development means:

- (1) A single lot (as defined in this section) with multiple buildings on it with said buildings not intended for sale but which may be leased, or square footage sold, on a condominium basis; or
- (2) An assemblage of multiple lots within a common plat boundary with multiple buildings on it with said buildings intended for sale, lease, or sale on a condominium basis, and which in either case makes up one business establishment or industrial complex.

Directory sign means a sign for the purpose of uniformly listing the names of tenants in an office park or business park.

Double-faced sign means a single sign with two parallel sign faces back-to-back.

Finished grade shall mean the highest grade elevation within five feet of the foundation or wall of the building, said grade having been established by means of an approved grading and/or drainage plan. Finished grade may also be the natural grade elevation when no terrain alteration is proposed, or where otherwise applicable. Any fill which is not required to achieve positive site drainage or slope stabilization, or which is otherwise proposed to raise the site for any other purpose, shall not be finished grade for the purpose of measuring height.

Fire-retardant means not capable of supporting combustion or flame.

Flag banner means a sign made of non-rigid material attached to the ground and supported on a horizontal, rigid pole, but does not include a flag; also known as a teardrop banner, feather banner, or feather flag.

Flagpole means a free-standing structure permanently mounted on the ground and designed and constructed for the purpose of hanging flags.

Flashing sign means a sign that contains an intermittent or sequential flashing light source used primarily to attract attention, but not including changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing or intermittent light.

Garage sale means the sale of items that a resident or group of residents wish to dispose of at discount prices, conducted from a garage and/or yard, and which items offered for sale are used or discarded by or from those residents offering them for sale.

Grand opening means the formal offering by a new business of its goods, wares, merchandise, service, entertainment, or activity.

Commented [BB4]: Removed unused definitions per RSasson.

Commented [BB5R4]: Un-deleted definition for civic sign but removed "contains" criteria per AHarbin.

Commented [BB6]: Added definition from zoning ordinance.

Commented [BB7]: Removed per RSasson.

Commented [BB8R7]: Amended definition per AHarbin.

Ground sign means any sign mounted on the ground or supported by one or more columns, poles, uprights, or braces anchored in or on the ground and not attached to any building, including changeable copy signs.

Handheld sign means any sign that is not self-supporting and is carried by or is under the immediate control of a person; and shall include sandwich-board signs and persons in costume or otherwise dressed to call attention to a business.

Identification sign means any sign that carries only the firm, business establishment, or corporate name, the major enterprise on the premises, or the principal products offered for sale on the premises.

Integrated business development means a development consisting of two or more interrelated business establishments using common driveways and onsite parking facilities, including, but not limited to, shopping centers, office complexes, office buildings, and business parks.

Lot means a physically undivided tract or parcel of land having frontage on an accessway and which is, or in the future may be, offered for sale, conveyance, transfer, or improvement; and which is:

- (1) Designated as a distinct and separate tract; and
- (2) Identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly recorded.

Master sign plan means a plan depicting the location, size, height, and materials of all signs to be placed on a building and on the site.

Monument sign means a sign not more than seven feet in height from natural ground level to the highest portion of the sign, designed and constructed to substantially appear as a solid ~~mass, such as a~~ block, rectangle, or square, ~~and supported by an integral structural framework.~~

Multi-faced sign means a single sign with two or more faces, which are not parallel or back-to-back.

Natural grade means the natural ground adjacent to the slab at its centerline paralleling the front of the structure. Natural ground is assumed to be the ground surface existing prior to placement of the building pad.

New business means a business new to the premises on which it is located, a business having a change in ownership of 50 percent or more, or the expansion of an existing building or structure if such expansion increases the size of the area devoted to the primary use, in building floor square footage, by 50 percent or more.

Noncommercial message means any message other than a commercial message.

Nonconforming sign means a sign ~~lawfully~~ erected and maintained prior to the adoption of the ordinance from which this appendix is derived, or any applicable amendment thereto, that does not conform with the requirements hereof.

Nonresidential district means any district that is not a residential district.

Obsolete sign means any on-premises sign, or any part thereof, which identifies or advertises a business, person, product, accommodation, service, or activity that has ceased to operate on the premises upon which the sign or sign structure is located.

Off-premises sign means a sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Office complex means one or more commercial buildings with multiple business establishments providing services but not delivering products directly to customers; and consisting of two or more tenants using common driveways.

Office Park means business establishments located in an office park zoning district (per Appendix C zoning ordinance.)

Commented [BB9]: Amended definition per AHarbin.

Commented [BB10]: Added definition from flood ordinance.

Commented [BB11]: Did not delete or move definition. Added measurement standard to Sec 7.

Commented [BB12]: Left the language as-is to match state law.

On-premises sign means a sign identifying or advertising a business, person, activity, goods, products, or services, located on the premises where the sign is located.

Open house means a designated period ~~of time~~ during which a property is open for viewing by prospective purchasers.

Portable sign means any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure. A portable sign which has its wheels removed shall still be considered a portable sign hereunder.

Public service sign means a sign that provides a service or message to the public, such as time, temperature, and charity appeals.

Reader panel/reader board means a permanently constructed changeable copy bulletin board lighted or unlighted with detachable precut letters and figures.

Residential district means those districts zoned single-family residential dwelling district (SFR), single-family residential dwelling district - estate (SFR-E), multi-family residential dwelling district - low (MFR-L), multi-family residential dwelling district - medium (MFR-M), multi-family residential dwelling district - high (MFR-H), ~~multi-family residential dwelling district~~—garden home district (MFR-GHD), and mobile home residential dwelling district (MHR) in the zoning ordinance of the city, contained in Appendix C to this Code.

Roofline means the height above finished grade of the upper beam, rafter, ridge, or purlin of any building.

Sign means any structure, part thereof, or device or inscription which is located upon, attached to, or painted or represented on any land, or on the outside of any building or structure, or on an awning, canopy, marquee, or similar appendage, or permanently affixed to the glass on the outside of the building or structure, and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, monogram, heraldry, trademark, light, or other representation used as or in the nature of an announcement, advertisement, attention arrester, direction, warning, or designation of any person, firm, group, organization, corporation, association, place, commodity, product, service, business establishment, profession, enterprise, industry, activity, or any combination thereof; where the term "sign" is used herein without further modification, the same shall be understood to embrace all regulated signs and replicas.

~~*Sign area* means the total square footage of all sign facing, including that portion of the supporting structure or trim which carries any wording, symbols, or pictures; provided, however, in the case of double-faced signs, only one face shall be computed to determine sign area; provided further, however, in the case of multi-faced signs, all faces shall be computed to determine sign area.~~

Commented [BB13]: Sign area moved to Section 7.

~~*Sign facing* means the facing of any sign upon, against, or through which the message is displayed or illustrated; provided, however, for signs in which the words, letters, or symbols are independently mounted, the sign facing shall mean the smallest regular geometric form containing all of the individual words, letters, and symbols. Size of the sign shall be determined by the lettering; provided, however, if there is background in addition to the lettering, background material shall be included if the background is uniquely associated with the letters.~~

Commented [BB14]: Sign facing measurements moved to Section 7.

Snipe sign means a sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, stakes, fences, utility poles, or other like objects, the advertising matter of which is not applicable to the present use of the premises on which the sign is located.

Street banner means a sign constructed of porous material of at least 80 percent cotton mesh with tie-down ropes on each corner.

Temporary sign means any sign constructed of materials with short life expectancies. A portable sign shall not be considered a temporary sign.

Vision triangle means an unoccupied triangular space at the street corner of a corner lot. The triangle is formed by connecting the point where each right of way line intersects, and two points located twenty-five (25) feet along each right of way line.

Wall sign means a sign, either of solid face construction or individual letters, symbols, or pictures, which is attached to the exterior of any building or structure.

(Ord. No. 2002-2, § 1, 1-21-2002; Ord. No. 2005-08, § 1, 3-21-2005; Ord. No. 2008-11, § 1, 5-19-2008; Ord. No. 2008-14, § 1, 6-2-2008; Ord. No. 2008-17, § 1, 7-21-2008; Ord. No. 2010-40, § 1, 1-10-2011; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 2. Administration

- a. Sign Administrator. The community development director or their designee shall be the sign administrator charged with administering and enforcing the terms and conditions of this chapter and all other provisions of laws relating to signs. The sign administrator is empowered to delegate the duties and powers granted to and imposed upon him by this chapter to other persons serving under the sign administrator.
- b. Enforcement responsibility. The duties of the sign administrator shall include not only the issuance of permits as required by this chapter, but also the responsibility of ensuring that all signs comply with this chapter and any other applicable laws and that every sign for which a permit is required does in fact have a permit.

Commented [BB15]: Language from City of Baytown.

Permits.

- c.a. *Sign permits.* It shall be unlawful for any person, unless provided otherwise in this appendix, to erect, structurally alter, relocate, lease, rent, or own any sign within the city without first obtaining a permit for such sign.
- (1) *Application.* All applications for sign permits shall be accompanied by a plan or plans drawn to a standard architectural or engineering scale which shall include the following:
- (a) The dimensions of the sign and, where applicable, the dimensions of the surface of the building to which it is to be attached.
 - (b) The dimensions of the sign's supporting members.
 - (c) The maximum and minimum height of the sign.
 - (d) The proposed location of the sign in relation to all buildings on the premises where the sign is to be located.
 - (e) The proposed location of the sign in relation to the boundaries of the premises upon which it is to be situated.
 - (f) The location of all electrical transmission lines within 30 feet of any part of such proposed sign structure.
 - (g) Each permit application shall be signed by the property owner, or his agent, and the sign installer.
- (2) *Issuance.* Upon the filing of an application for a sign permit, the plans, specifications, and other data shall be examined by the community development division. If it appears that such proposed sign is in compliance with the requirements of this appendix and other laws of the city, and the applicant being in compliance with all building ordinances of the city and other permits issued by the city, the community development division shall issue the applicant a permit for such sign. Such sign shall

thereafter be constructed in accordance with the plans, specifications and other data submitted to the community development division.

- (3) Revocation. The sign administrator may suspend or revoke any permit issued under the provisions of this ordinance whenever it is determined that the permit is issued in error or on the basis of ~~an~~ incorrect or false information supplied, or whenever such permit is issued in violation of any local, state, or federal regulations. Notice of suspension or revocation shall be issued to the permit holder, owner of the sign, or owner of the subject property in writing.

d. Fees.

- (1) Required. Fees for the permits required under this division shall be paid to the community development department as established in Appendix D, Fees.
- (2) Refund. The applicant for a permit or holder of a permit shall not be entitled to a refund of any fee paid if the permit is revoked.
- (3) Work without permit. Work started without a permit shall be double the permit fee.

e. Inspections. The sign administrator shall make such inspections as may be necessary and shall initiate appropriate action to bring about compliance with this chapter and other applicable law if such inspection discloses any instance of noncompliance. The sign administrator shall investigate thoroughly any complaints of alleged violations of this chapter.

f. Exceptions. A permit shall not be required for the following:

- (1) The electrical, repainting, or cleaning maintenance of a sign.
- (2) The changing of the message of a changeable copy sign.
- (3) ~~Temporary Residential~~ real estate ~~subdivision~~ signs for single-family units pursuant to section 15.3.b.d.(2).
- (4) ~~Temporary Residential~~ real estate signs for multi-family units pursuant to section 15.3.d.d.(3).
- (5) Temporary direction signs pursuant to section 15.4e.
- (6) Temporary political signs pursuant to section 15.5f.
- (7) Garage sale signs pursuant to section 15.6g.
- (8) Open house signs pursuant to section 15.7h.

g. Stop orders. The issuance of a permit under this appendix shall not constitute a waiver of this appendix or other ordinances of the city. The ~~community development divisions~~sign administrator is authorized to issue stop orders for any sign which is being constructed or used in violation of this appendix or any other ordinance of the city.

(Ord. No. 2005-08, § 2, 3-21-2005; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 3. Violations are prohibited.

- a. It shall be unlawful for any person to erect, structurally alter, relocate, lease, rent, or own within the city any sign not expressly exempted from regulation by this appendix without first satisfying the requirements of this appendix.
- b. It shall be unlawful for any person to violate any provision of this appendix.

- c. The violation of any provision of this appendix shall constitute a misdemeanor. The imposing of any penalty under this subsection shall not prevent the enforced removal and abatement by the city of any prohibited condition.
- d. Any person found to have violated any provision of this appendix shall, in addition to any fine imposed under this section, reimburse the city for any of its costs and expenses, direct or indirect, including removal of the violating sign, attorney's fees, and employee wages and salaries, incurred in enforcing this appendix against such person.
- e. The community development department sign administrator may suspend or revoke any permit issued under the provisions of this ordinance whenever it is determined that the permit is issued in error or based on incorrect or false information supplied, or whenever such permit is issued in violation of any of the provisions of this ordinance or any other ordinance of this City or laws of this state or the federal government. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign, or the owner of the site upon which the sign is located. Upon such revocation, all construction related to the revoked permit shall cease.
- Upon final determination that the revocation of the permit is properly revoked, any portion of the sign in place because of the permit shall be removed within 10 days by the owner of the sign or the owner of the site on which the sign is located. Failure to remove the sign shall be deemed a violation of this ordinance.
- f. The community development department sign administrator may periodically inspect each sign regulated by this ordinance for the purpose of ascertaining whether the same is obsolete and whether it needs removal or repair.
- g. Whenever any work for which a permit is required by this ordinance has been commenced or completed without first obtaining a permit, an investigation may be made before a permit may be issued for such work.

(Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 4. Maintenance.

All signs and sign structures shall be kept in good repair and neat in appearance, including replacement of defective parts, painting, repainting, and cleaning.

(Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 5. Projection of signs.

- a. No sign or any portion thereof shall project or extend over any public sidewalk, street, alley, or other public property. A supporting member of a sign shall be located at least three feet from the property line of the property upon which it is situated.
- b. Signs projecting more than 18 inches from the face of the building or supporting structure over private property used or intended to be used by the general public shall have a minimum clearance of eight feet above the pavement of finished grade.
- c. No sign shall be attached to a building in such a manner that the sign surface, or any part thereof, exceeds in height the lowest uniform roofline or parapet of such building, whichever is higher.

(Ord. No. 2014-38, § 1, 1-5-2015)

Commented [BB16]: Add criteria per CGray.

Commented [AH17]: Change wording

Commented [bb18R17]: Updated wording per meeting with Khorner.

Sec. 6. Structural requirements.

- a. *Compliance with building code.* All signs and sign structures shall comply with the pertinent requirements of the building codes of the city, including, but not limited to, all structural, electrical, and windstorm requirements.
- b. *Transmission lines, minimum spacing.* All signs and sign structures shall have a minimum clearance of eight feet vertically and eight feet horizontally from any transmission line carrying 750 volts or greater.
- c. *Wiring.* Any wiring to an energized sign shall be installed underground, except where impractical or infeasible, as determined by the building official, and in such instances shall be at least 14 feet above ground level.

(Ord. No. 2005-08, § 3, 3-21-2005; Ord. No. 2014-38, § 1, 1-5-2015)

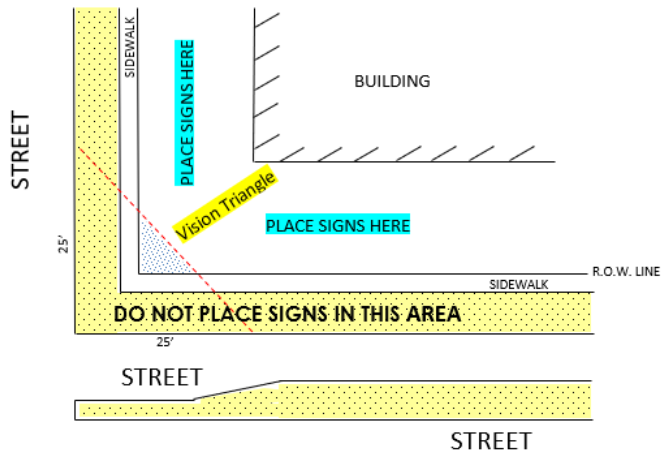
Sec. 7. ~~Reserved.~~Measurement standards.

Commented [BB19]: Add section.

- a. Sign face area shall be measured as the smallest area enclosed by straight lines drawn to the extremities of the letters, numbers, recognizable symbols, and trademarks; provided, however, if there is background in addition to the lettering, background material shall be included if the background is uniquely associated with the letters.
- b. Sign height shall be measured from finished grade level to the top of the sign structure and shall not exceed 7 feet. Sign pads shall not be mounded to achieve additional height.
- c. Double-faced sign area shall be calculated only on one side of the sign.
- d. Awnings. The portion of an awning that contains graphics, symbols and/or written copy shall be included as part of the aggregate sign area calculation.
- e. Business frontage shall be measured by the horizontal width of a tenant's building or lease space, where the front entrance is located. When two or more entrances are utilized on separate sides of a building, the entrance where the tenant is addressed shall apply.

Sec. 8. Traffic hazards.

- a. It shall be unlawful for any person to erect, structurally alter, relocate, lease, rent, or own any sign in such a manner as to constitute a hazard to pedestrian or vehicular traffic, or in such a manner as to obstruct free and clear vision, regardless of location, by reason of the position, shape, color, or movement which may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device; nor shall such sign make use of any word, phrase, symbol, or character in such a manner as to interfere with, mislead, distract or confuse vehicular or pedestrian traffic.
- b. The chief of police of the city, or his duly qualified representative, shall be the sole judge of a violation under this section.
- c. Attaching, placing, affixing, or leaning any material onto, painting over, changing the wording of, or covering a traffic sign (regulatory or informational) shall be prohibited.
- d. Signs shall not be placed within the vision triangle.



(Ord. No. 2005-08, § 5, 3-21-2005; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 9. Prohibited signs.

Signs of the following nature are expressly prohibited unless specifically authorized by this appendix:

- a. Billboards, including, but not limited to, new off-premises, [changeable electronic variable message signs \[CEVMSs\]](#). Exception: existing billboards may be converted to CEVMSs, provided that they meet the requirements in section 26.f.
- b. Signs that contain statements, words, or pictures of an obscene, indecent, or immoral character as will offend public morals or decency.
- c. Obsolete signs.
- d. Animated signs.
- e. Signs that contain or have attached thereto banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, flash tags or other similar devices.
- f. Signs attached to exposed amenities, such as benches or trash containers.
- g. Any stereopticon or motion picture machine used in conjunction with or attached to any sign in such a manner as to permit the images projected therefrom to be visible from any public street or sidewalk.
- h. Snipe signs.
- i. Signs placed on the side or rear of any building or property when such sign faces upon a contiguous residential area.
- j. Signs placed on private property without the consent of the owner of the property.
- k. Flashing signs.
- l. Ground signs, except monument signs.

(Supp. No. 4, Update 2)

Created: 2021-12-16 13:05:22 [EST]

m. ~~In the Downtown District Boundary, Miniature~~, mini, Christmas, rope string lights, exposed LED storefront lights, or other similar lighting in or framing windows (interior or exterior), including attached to the window frames ~~with the exception of except for holiday~~ lighting from November 15 to January 15.

Commented [BB20]: Disallow window lighting city wide.

n. Flag banners.

o. Inflatable signs and tethered balloons greater than 18 inches in diameter.

Commented [bb21]: Prohibited inflatable signs per Cgray feedback.

(Ord. No. 2005-08, § 6, 3-21-2005; Ord. No. 2008-17, § 2, 7-21-2008; Ord. No. 2014-38, § 1, 1-5-2015; Ord. No. 2017-22, § 1, 9-11-2017; Ord. No. 2019-20, § 2, 6-3-2019)

Sec. 10. Signs on public property.

- a. *Signs on public property.* It shall be unlawful to place a sign in or upon any public property, including, but not limited to, a public street, sidewalk, right-of-way, easement, curb, grounds, bridge, or building, unless express consent therefor shall have been first granted by the city council. This subsection shall not apply to signs required to be placed by a public employee in the regular course and scope of his employment.
- b. *Impoundment.*
- (1) Any sign in violation of subsection a of this section may be removed without notice to the owner thereof. Employees of the police department, the department of public works, and community development are hereby authorized to remove any such signs and transport or cause the same to be transported to a location to be designated by the community development division. Snipe signs may be discarded immediately. The custodian of the storage area shall maintain records of where such signs were located when they were so removed and the date on which they were so removed and, except for snipe signs, shall hold the same in the storage area for a period of not less than 30 days.
 - (2) Any sign so held may be redeemed by the owner thereof upon the payment of a fee to the city set by resolution and printed in Appendix D to this Code. Such fee shall be in addition to and not in lieu of any fine imposed upon such owner for violation of this subsection. Any sign impounded and stored and not redeemed by the owner thereof within 30 days may be disposed of or sold at public auction in the same manner as surplus property of the city.
- c. *Exceptions.*
- (1) *Public athletic facilities.* Public athletic facilities may have signs attached to fences surrounding such facility to give public information or team sponsor advertising. Except for scoreboards, such signs shall not project above the fence line and shall face the athletic facility.
 - (2) *Public and private parks.* Public and private parks may have signs to give information and/or regulations concerning park use.

(Ord. No. 2005-08, § 7, 3-21-2005; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 11. Painted signs.

Painted signs shall be on permanently weatherproofed materials, and all sign surfaces shall be painted or treated with weatherproofed materials.

(Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 12. Changeable copy signs.

- a. *Residential districts.* A changeable copy sign, such as a reader board, may be integrated into the allowable sign so long as the total area of the changeable copy message does not exceed six square feet of the sign area, subject to the restrictions set forth in subsection c of this section.
- b. *Nonresidential districts, and ~~churches-religious organizations~~ and schools in residential districts.* A changeable copy sign, such as a reader board, may be integrated into a permanent monument sign so long as the total area of the changeable copy message is limited to a maximum of 25 square feet of the sign area, subject to the restrictions set forth in subsection c of this section.
- c. *Restrictions.* All changeable copy signs shall be subject to the following restrictions:
 - (1) The message conveyed by the sign face shall not blink, flash, scroll or be so animated as to be deemed a distraction to passing motorists.
 - (2) ~~Reserved.~~
 - (3) All changeable copy sign faces shall be limited to a maximum of 25 square feet in sign area, or the maximum size of the type of permanent sign on which the face is placed, whichever is less.

(Ord. No. 2005-08, § 8, 3-21-2005; Ord. No. 2007-17, § 1, 10-15-2007; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 13. Illumination of signs.

- a. ~~It shall be unlawful for any person to erect, structurally alter, relocate, lease, rent, or own any sign which creates glare (as that term may otherwise be defined in the zoning ordinance of the city) upon a public street, alley, driveway, parking area, sidewalk, or adjacent property.~~
- b. ~~Signs may be illuminated from an independent artificial source provided such illumination is concentrated upon the area of the sign only, and does not cause glare (as that term may otherwise be defined in the zoning ordinance of the city) upon any public street, alley, driveway, parking area, sidewalk, or adjacent property.~~
- a. A conforming sign may be illuminated but only by:
 - (1) Upward lighting of no more than 4 bulbs per direction of the sign face or faces of the structure; or
 - (2) Downward lighting of no more than 4 bulbs per direction of the sign face or faces of the structure.
- b. Lights that are a part of or illuminate a sign:
 - (1) Must be shielded, directed, and positioned to prevent beams or rays of light from being directed at any portion of the traveled ways of a regulated roadway public or private street;
 - (2) May not be of such intensity or brilliance as to cause vision impairment of a driver of any motor vehicle on a regulated highway public or private street or otherwise interfere with the driver's operation of a motor vehicle;
 - (3) May not obscure or interfere with the effectiveness of an official traffic sign, device, or signal; and
 - (4) Shall be shielded to prevent the source of lighting from being directly visible from residential property.
- c. Awnings shall not be backlit. Any down lit awning shall be opaque. ~~The portion of an awning that contains graphics, symbols and/or written copy shall be included as part of the aggregate sign area calculation.~~
- d. All wiring to monument signs shall be installed underground.

Commented [BB22]: Remove sections a and b. Glare is not defined in the zoning ordinance.

Commented [BB23R22]: Replaced with language from Texas Admin Code Ch 43.

Commented [BB24R22]: (4) language from City of Pearland.

Commented [AH25]: Private or public street? Or define regulated roadway.

Commented [bb26R25]: Updated to "public or private street"

Commented [AH27]: Public or private street? Or define regulated.

Commented [bb28R27]: Updated to "public or private street"

Commented [BB29]: Move to calculation section.

(Ord. No. 2005-08, § 9, 3-21-2005; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 14. Portable signs.

- a. Grand Opening. One ~~on-premises~~ portable sign, ~~not exceeding 32 square feet in sign area,~~ may be displayed by a new business enterprise to give notice of its grand opening for a period not to exceed ~~14~~ 30 consecutive days ~~from the date the Certificate of Occupancy is issued.~~
- b. Allowed. One portable sign, ~~not exceeding 32 square feet in sign area,~~ may be displayed on nonresidential property, in addition to that allowed for grand openings, for 21 days during any calendar year; ~~provided, however, use of any such portable sign shall be in increments of not less than seven consecutive days.~~
- c. Size. The portable sign shall not exceed 32 square feet in sign area.
- d. Location. Signs shall be placed no closer than three feet from the edge of the property and/or any sidewalk; ~~in no case shall the sign be placed in a state or city right-of-way or street median.~~
- e. Permits. Required.
- ef. Limit.
 - (1) If a changeable copy sign is located on the property, a portable sign is not permitted.
- d. (2) No more than one portable sign shall be displayed on any one nonresidential property at a time.
- eg. Handheld signs that include a commercial message are prohibited upon any public rights-of-way, including, but not limited to, any public sidewalk, street, alley, or other public property.
- fh. Handheld signs that are on private property, but are visible from a street or roadway, are permitted where an applicant satisfied the following:
 - (1) Size. Sign size does not exceed four square feet.
 - (2) Permits. Required.
 - (3) Location. May be located where the applicant has legal permission to display the sign. If the applicant does not own or lease the private property upon which the handheld sign will be displayed, applicant must provide a letter of approval from the property owner where the sign will be displayed.
- gi. Regulations involving handheld signs on private property do not apply to political signs that are otherwise compliant with this appendix and V.T.C.A., Local Government Code ~~ch.Ch.~~ 216.

Commented [BB30]: Staff suggestion. BB

(Ord. No. 2005-08, § 10, 3-21-2005; Ord. No. 2010-40, § 2, 1-10-2011; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 15. Temporary signs.

Sec. ~~15.1a.~~ Generally.

- a. (1) Contractors may place a sign on property where actual construction (landscaping, roofing, pool, etc.) is taking place, unless otherwise regulated by section b. below. Such sign may be placed on such property for the duration of construction plus ten days, shall not exceed six square feet in sign area, and shall not exceed seven feet in height above the natural ground level. No permit is required for such signs.
- b. (2) Except as otherwise provided, a permit shall be required for any temporary sign authorized in this section ~~through section 15.8,~~ Such permits shall be granted for a period not to exceed 24 months, and at the expiration of the permit period all such temporary signs shall be removed unless a new permit is obtained.

(Supp. No. 4, Update 2)

Created: 2021-12-16 13:05:22 [EST]

~~6.~~(3) Temporary signs shall be placed no closer than three feet from the edge of the property and/or any sidewalk; in no case shall the temporary sign be placed in a state or city right-of-way or street median.

(4) Temporary signs may not be illuminated or have moving elements.

Sec. ~~15.2b.~~ *Construction signs.*

(1) Allowed. Two (2) temporary signs denoting the owner, architect, financial institution, general contractor, "coming soon," or any statement pertaining to a non-residential project.

(2) Location. Such temporary sign(s) shall be located on the premises where the project is located.

(3) Size. For tracts of two acres or less, each sign shall not exceed 16 square feet in sign area; for tracts of greater than two acres, each sign shall not exceed 32 square feet in sign area.

(4) Removal. Signs must be removed within 10 days of the issuance of a certificate of completion or certificate of occupancy, whichever is sooner.

(5) Permits. Required.

Sec. ~~c.~~ *Banners.*

a.(1) Allowed. In lieu of using a portable sign to advertise a grand opening as authorized by section 14.a, one on-premises banner sign not exceeding 32 square feet in sign area may be displayed by a new business to give notice of its grand opening for a period not to exceed 14 consecutive days.

b.(2) Location. On the property where the business is located; affixed to business structure and not above the roofline. In lieu of using a portable sign as authorized by section 14.b, one banner sign not exceeding 32 square feet in sign area may be displayed on nonresidential property for 21 days during each calendar year; provided, however, use of such banner sign shall be in increments of not less than seven consecutive days.

(3) Size. The banner shall not exceed 32 square feet in sign area.

(4) Permits. Required.

(5) Placement and removal. The banner shall be placed no sooner than the begin date on the approved sign permit and shall be removed no later than the end date on the approved sign permit.

Sec. ~~15.3d.~~ *Residential Temporary real estate subdivision signs.*

a.(1) Subdivision, Builder, or Model Home entrance signs.

(1a) Allowed. Up to two temporary real estate subdivision signs may be allowed at each entrance. One sign is allowed per three hundred feet (300') of main street frontage. Signs on model home lots do not count against this limit.

(2b) Location.

(i) A lot, tract, or reserve that is not intended for sale and the maintenance of which is the responsibility of the builder, developer, or homeowner association. Such signs are commonly located at the main or secondary entrance of any new residential subdivision or other residential development, and/or at secondary entrances to such subdivision or development.

(ii) A lot on which a model home is located.

(3c) Size. Each sign not to exceed 3250 square feet in sign area.

Commented [bb31]: Added not above roofline per Cgray feedback.

Commented [BB32]: Combined new subdivision, builder, and model home signs into one category per AHarbin. Revised square footage per sign to be 32, consistent with other sections in this appendix.

(4d) *Removal.* Such temporary real estate subdivision signs shall be removed 24 months from the date the permit is issued ~~or when 80 percent of the lots in the subdivision have been sold to homebuyers, whichever occurs first.~~

Commented [BB33]: City is not aware of informed of real estate sales.

(5e) *Permits.* Required.

b.(2) *Single-family units.*

(1a) *Allowed.* One temporary sign allowed for each single-family dwelling unit or lot ~~in order to~~ give information concerning leasing, renting, or selling of a single-family unit or lot.

(2b) *Location.* Such temporary sign may be located anywhere on the premises except as restricted by the zoning ordinance, provided that such sign may not project beyond the property line and is only for the property upon which such sign is erected.

(3c) *Size.* Each temporary sign not exceeding six square feet in sign area.

(4d) *Removal.* Single-family residence signs shall be removed within ten days of the unit or lot being leased, rented, or sold.

(5e) *Permits.* Not required.

c. ~~Model homes.~~

(1) ~~Allowed.~~ One monument sign for each model home or model home park for each separate home building company located in the subdivision which is used or designated as a sales office and/or model home.

(2) ~~Location.~~ See section 15.1.c.

(3) ~~Size.~~ Not to exceed 16 square feet in sign area.

(4) ~~Removal.~~ Signs must be removed within ten days after the time that the model home or model home park ceases to be used as a sales office or model home for the subdivision.

(5) ~~Permits.~~ Required.

d.(3) *Multi-family units.*

(1a) *Allowed.* Two temporary signs shall be allowed for each complex ~~in order to~~ give information concerning leasing, renting, selling, or financing of the unit on the property upon which such sign is erected.

(2b) *Location.* On the property where each complex is located.

(3c) *Size.* Not to exceed six square feet in sign area.

(4d) *Removal.* Signs must be removed within ten days after the time that the leasing, renting, selling, or financing of all the units in each complex occurs.

(5e) *Permits.* Not required.

e.(4) *Vacant acreage.*

(1a) *Allowed.* One temporary sign may be allowed for each street frontage advertising vacant acreage ~~in order to~~ give information concerning selling, leasing, or renting of the property.

(2b) *Location.* ~~See section 15.1.c. On the property that is intended for sale, lease, or rent.~~

(3c) *Size.* For vacant tracts of two acres or less, such sign shall not exceed 16 square feet in sign area; for vacant tracts of greater than two acres, such sign shall not exceed 32 square feet in sign area.

(4d) *Removal.* Signs must be removed within ten days after the time that the acreage is has been sold, leased, or rented.

(5e) *Permits.* Required.

f.(5) *Temporary signs for new integrated business developments, shopping centers, office parks, and business parks.*

(1a) *Allowed.* One temporary sign for each street frontage of any new integrated business development, shopping center, office park, or business park ~~in order to~~ give information concerning leasing, renting, construction, financing or selling of such property upon which such sign is erected.

(2b) *Location.* May be located at the entrance for the development.

(3c) *Size.* The sign area for such temporary sign shall not exceed 32 square feet.

(4d) *Removal.* Signs must be removed no later than 24 months after the date the permit is issued.

(5e) *Permits.* Required.

Sec. 15.4e. *Temporary direction signs.*

a.(1) *Allowed.* Temporary signs that direct the public to a special event of civic interest, such as parades, organized holiday festivities, or other special events which are conducted by and benefit charitable or nonprofit organizations. A maximum of up to two temporary direction signs are allowed per lot.

b.(2) *Size.* Such signs shall not exceed 32 square feet in area.

c.(3) *Location.* Signs may be placed on private property with the permission of the property owner. See ~~section 15.1.c.~~

d.(4) *Removal.* Such signs are erected only for ~~a time period~~ a period not to exceed ten days before and two days after the event.

e.(5) *Permits.* Not required under the following conditions: The event must be conducted by a charitable or nonprofit organization, all proceeds derived from such event will be used to further the purpose of said organization, and that the management and supervision of such event will be under the total control of the said organization. If ~~all of~~ the above conditions are not met, a permit shall be required. The city shall ~~make contact with~~ contact event organizers when necessary to confirm that the event in question is charitable and/or nonprofit, consistent with the conditions herein.

Sec. 15.5f. *Temporary political signs.*

a. ~~Temporary political signs shall comply with the regulations set forth in Texas Local Election Code, Chapter 259. Political Signs. Political signs on private property.~~

(1) ~~Allowed. On private property with the permission of the property owner. Political signs may not be illuminated or have moving elements.~~

(2) ~~Location. See section 15.1.c.~~

(3) ~~Size. No such sign shall exceed 36 square feet in sign area or be higher than eight feet from ground level.~~

(4) ~~Removal. All such signs shall be removed per state regulations on political signage.~~

(5) ~~Permits. Not required.~~

b. ~~Political signs on public property.~~

Commented [BB34]: Updated language based on Election Code Ch 259 per AH.

(1) ~~Removal.~~ All such signs shall be removed from public property within 24 hours following the election date on which the office or proposition is finally determined in accordance with the state election code; signs outside a polling place not meeting these criteria can be removed by city officials.

(1) Private property. No permit shall be required under this chapter for a sign that contains primarily a political message and that is located on private real property with the consent of the property owner, provided that such sign:

(a) Does not have a surface area greater than 36 feet, excluding the sign structure;

(b) Is not more than eight feet high;

(c) Is not illuminated; and

(d) Has no moving elements.

(2) As used in this subsection, "private real property" does not include real property subject to an easement or other encumbrance that allows the city to use the property for a public purpose.

(3) Public property.

(a) Prohibited. Except as provided in subsection (b)(2) of this section, a sign that contains primarily a political message is prohibited on public property, including the rights-of-way.

(b) Exception. A sign that contains primarily a political message may be in a designated area at least 100 feet from the main entrance to a polling place during a voting period at such polling place. An area may be designated by the city manager when a city facility is used as a polling place or by an official of another governmental entity when such entity's facility is used as a polling place. As used in this subsection, "voting period" means the continuous period beginning on the date that the polls are open for voting and ending on the date when the polls at such location are closed or the last voter has voted, whichever is later.

Commented [AH35]: Clarify that area is not designated.

(4) Removal. The sign administrator may remove and dispose of any political sign placed on public property or within the public rights-of-way.

(5) Permits. Not required.

Sec. ~~15-6-g.~~ Garage sale signs.

a. ~~(1)~~ Allowed. Up to four signs can be posted no more than 24 hours before the sale begins.

b. ~~(2)~~ Location. Signs may be placed on private property with the permission of the property owner; no sign shall be placed on public property or in the city rights-of-way. See also section 15-1-e.

c. ~~(3)~~ Size. Each sign shall not exceed six square feet in sign area.

d. ~~(4)~~ Removal. Signs must be removed on the last day of the sale by day's end.

e. ~~(5)~~ Permits. Not required.

Sec. ~~15-7-h.~~ Open house signs.

a. ~~(1)~~ Allowed. Up to four signs for each open house. Once an open house has been held on a property, open house signs shall not be placed on the same property before the expiration of five days from the removal of the signs for the previous open house.

b. ~~(2)~~ Location. Signs may be placed on private property with the permission of the property owner; no sign shall be placed on public property or in the city rights-of-way. See also section 15-1-e.

c. ~~(3)~~ Size. Each sign shall not exceed six square feet in sign area.

d. ~~(4)~~ Removal. Signs must be removed at the close of the open house.

e. ~~Permits.~~ Not required.

Sec. ~~15.84~~ Temporary street banner signs.

a.(1) Allowed. Subject to the requirements of this section, ~~c~~Charitable organizations and nonprofit organizations having a principal office in the city, Clear Creek Independent School District, and Friendswood Independent School District are allowed one temporary street banner sign during a calendar year to advertise an event to be held within the city limits and to which the general public is invited. ~~constructed of porous material of at least 80 percent cotton mesh with tie-down ropes on each corner.~~

(2) Application. A charitable and non-profit organization, CCISD, or FISD desiring a temporary street banner sign shall make application for a license to the director of public works at least sixty (60) days in advance of the advertised event. Such application shall be made in writing and shall include the following:

- (a) The name and address of the charitable and non-profit organization, CCISD, or FISD located within the city's corporate limits conducting the public event as well as the name, address, phone number, and email address of the contact person for the application;
- (b) The name, location, and dates of the event;
- (c) The content of the temporary street banner sign;
- (d) A copy of the signed permit or agreement from the state department of transportation for the temporary street banner sign;
- (e) A license agreement, as prescribed by the city, for the temporary street banner sign, which agreement is executed by the charitable and non-profit organization, CCISD, or FISD;
- (f) A certificate of insurance issued by a company authorized to do business in the state naming the city, its officers, and employees as an additional insured and including a waiver of subrogation in favor of the city, in amounts of not less than the amounts printed in Appendix D to this Code;
- (g) A copy of proof of non-profit organization;
- (h) A \$25 non-refundable application fee; and
- (i) Such other information as may be requested by the director of public works.

(3) Materials. All temporary street banner signs shall be constructed of porous material of at least 80 percent cotton mesh with tie-down ropes on each corner. The director of public works may promulgate additional standards as necessary to protect public health, safety, and welfare.

b.(4) Location. ~~Temporary street banner signs must~~ may only be erected in front of Stevenson Park and extend across Friendswood Drive ~~from city to the designated poles provided by Texas New Mexico Power.~~

c.(5) Size. Each temporary street banner sign shall not exceed ~~twenty-five~~ 25 feet (25') in width and no more than four feet (4') in height.

d.(6) Removal ~~Timing limitations.~~

- (a) Except as provided in subsection 7 of this section, temporary street banner signs, other than the city's temporary street banner signs, must be removed at the end of a day be erected for no more than seven (7) consecutive days following their erection.
- (b) No temporary street banner signs, other than the city's temporary street banner signs, shall be permitted each year during the following periods:

Commented [AH36]: Karen will send wording.

Commented [bb37R36]: Incorporated Khoner's changes.

Commented [BB38]: Per Subcommittee – include ISDs.

- (i) The months of November and December;
- (ii) Between June 20 and July 14;
- (iii) Between the commencement date of early voting for a general or special municipal election and seven (7) days after the date of uch election or any runoff election resulting therefrom.No banners shall be permitted during the periods before and during elections when city "vote" banners are in place.

(c) No charitable and non-profit organization, CCISD, or FISD shall be granted more than one temporary street banner sign permit in any calendar year.

e.(7) Approval. Temporary banner sign permits along with the city license agreement must be approved by the city manager. The license agreement may extend the period specified in subsection f for no more than seven (7) additional consecutive calendar days by the city council if the city council makes the following findings:

- (a) The length of the event and the expected attendance at the event justify an extension of the permit;
- (b) The general purposes of this section are observed and maintained; and
- (c) The granting of such an extension will not be injurious to the public health, safety, or welfare.

(8) Fee. If a permit application under this section is approved by the city manager, the permittee must pay the city \$100 prior to the erection of the banner to defray the city's cost.

(9) Revocation. Notwithstanding anything in this code or in the license agreement to the contrary, the director of public works has the right, power, and authority to revoke a permit and terminate a license agreement if:

- (a) the temporary street banner sign poses a risk to the public health, safety and welfare as determined by the director of public works;
- (b) the city manager determines that the licensee has breached the license agreement; or
- (c) the city council approves another temporary street banner sign that is to be on display after the period specified in subsection f.1 of this section but during an extension granted pursuant to subsection (7), and there is no other banner space available.

Permits. Required by both the city and state department of transportation. In addition, a completed license agreement to place a banner on a public street right-of-way shall be submitted with the permit application with an original certificate of insurance issued by a company authorized to do business in the state naming the city as an additionally insured, in amounts of not less than the amounts set by resolution and printed in Appendix D to this Code. Complete applications must be submitted to the public works department 60 days in advance of the advertised event. City council approval is required.

(Ord. No. 2005-08, § 11, 3-21-2005; Ord. No. 2014-22, § 2, 9-8-2014; Ord. No. 2014-38, § 1, 1-5-2015)

Secs. 16—20. Reserved.

Created: 2021-12-16 13:05:22 [EST]

(Supp. No. 4, Update 2)

Sec. 21. Permanent signs in residential districts.

- a. *Applicability.* This section shall apply to all residential districts as defined in the zoning ordinance as well as PUDs and SUPs with residential components.
- b. *Multifamily residential subdivisions.*
 - (1) For each multi-family residential subdivision, a maximum of two wall or monument signs with a combined total sign area not exceeding 50 square feet shall be allowed.
 - (2) Allowed signs may be anywhere on the premises except as restricted by the zoning ordinance and this appendix. They may not project beyond any property line and, if ground-mounted, the top shall not be more than seven feet over natural ground level.
- c. *Single-family residential subdivisions.* Each single-family residential subdivision is allowed one monument entrance identification sign at each entrance not to exceed 50 square feet. However, two signs with a maximum of 32 square feet each may be placed on opposite sides of the entrance in lieu of a single 50-square-foot sign. The top of such signs shall be not more than seven feet over natural ground level. As part of one sign, a changeable copy area not exceeding six square feet shall be allowed for the purpose of placing civic announcements by the homeowners' association.

(Ord. No. 2005-08, § 17, 3-21-2005; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 22. Permanent signs in nonresidential districts.

- a. *Applicability.* This section shall apply to all nonresidential districts as defined in the zoning ordinance as well as PUDs and SUPs with nonresidential components.
- b. *Wall signs.*
 - (1) Wall signs are allowed for each business establishment with an allowable total sign area of 1½ square feet for each linear foot of business frontage.
 - (2) Where two or more tenants utilize a common building, the total allowable wall sign area shall be equal to 1½ square feet for each linear foot of business frontage. It shall be the responsibility of the property owner to allocate such sign area to each tenant. A master sign plan drawn to a standard architectural or engineering scale shall be submitted to the community development department for this type of project showing the exact size and location of each sign for this project.
 - (3) Each tenant's wall sign must be attached to that part of the building in which the tenant is located.
- c. *Monument signs.*
 - (1) *Individual monument sign.* One monument sign is allowed for each business establishment, with an allowable sign area of 50 square feet. The highest part of any such sign or structure shall not be greater than seven feet above the highest finished grade at the front property line. Monument signs must be permitted separately from the building permit.
 - (2) *Multi-tenant monument sign.* Where two or more tenants make up a business establishment, they shall collectively be entitled to one monument sign that would be authorized for said business establishment. The total sign area shall not exceed 50 square feet plus ten square feet for each tenant in the complex up to a maximum of 100 square feet. The highest part of any such sign or structure shall not be greater than seven feet above the highest finished grade at the front property line. It shall be the responsibility of the property owner to allocate such sign area to each tenant. A master sign plan drawn to a standard architectural or engineering scale shall be submitted to the community

Commented [BB39]: Staff clarification.

development department for this type of project showing the exact size and location of each sign for this project.

- (3) *Shared monument sign.* Business establishments on contiguous lots may utilize one common monument sign. Such sign shall be placed on either of the contiguous lots and sign dimensions and requirements will be the same as a multi-tenant monument sign.
- (4) *Changeable copy signage.* Up to 25 square feet of the allowable monument sign area may be used for changeable copy signage.
- (5) *Second monument sign.* A second monument sign is allowed for business establishments with buildings consisting of 40,000 square feet or more. Consideration and approval of a second monument sign shall be based on the square footage of buildings shown on an approved site plan for the entire business establishment. The second monument sign may be constructed as part of the initial site construction, but shall not be advertised on until the square footage of the structures constructed on-site exceeds 40,000 square feet. The second monument sign must be permitted separately.

d. *Option for directory sign in office park district (OPD) and business park districts (BP).*

- (1) One monument sign for the sole purpose of uniformly listing the names of the tenants is allowed for each building in which there are multiple tenants in the office complex if the complex chooses not to use wall signs.
- (2) The total sign area of such sign shall not exceed 240 square inches per tenant.
- (3) Such signs shall not exceed five feet in height and shall be located within 20 feet of the building.

e. *Fast-food/drive-through menu boards.* Menu reader boards for fast-food/drive-through restaurants shall not be considered as a ground sign if such menu board is screened from adjacent buildings or structures. Landscaping around menu boards shall be required ~~so-as-to~~ screen to the degree reasonably possible such menu board from abutting properties.

f. *Off-premises directional signs.* Off-premises directional signs of up to a maximum of four-square feet are allowed if the property on which the sign is located and the property which is described in the sign are contiguous. The permit application shall be signed by both property owners.

g. Fuel canopy signs. Fuel canopy signs are allowed for each gasoline station with an allowable total sign area of .5 square feet for each linear foot of canopy measured along the shortest side of the canopy.

(Ord. No. 2005-08, § 18, 3-21-2005; Ord. No. 2008-14, § 2, 6-2-2008; Ord. No. 2014-38, § 1, 1-5-2015)

Commented [BB40]: New. Currently the allowable fuel canopy sign area is deducted from the allotted building wall sign.

Sec. 23. Reserved.

Sec. 24. Signs on vehicles.

- a. No type of vehicle, including, but not limited to, cars, trucks, motor-driven cycles, or vehicles built of miscellaneous parts of other vehicles, such as sand or dune buggies, and no type of trailer, boat, or other similar type of property shall be placed on private property within the city for the purpose of advertising such item for rent, sale, or lease unless such property is on the premises where the owner of such property advertised for sale or lease resides or conducts business or is on the premises of a business establishment engaged in the rental, sale, or lease of such property.
- b. A motor vehicle not used on a regular basis for the transportation of persons or property, or that is inoperable, shall not be parked or stored with one or more signs displayed thereon or otherwise used as a substitute sign structure.

- c. Any vehicle containing advertising must be parked in an approved parking space and shall not be parked for a continuous period exceeding 72 hours. Any such vehicle is prohibited from otherwise being parked upon any public rights-of-way, including, but not limited to, public sidewalks, streets, alleys, or other public property, with one or more signs displayed thereon or otherwise used as a substitute sign structure.

(Ord. No. 2010-40, § 3, 1-10-2011; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 25. Obsolete signs.

Obsolete signs shall be removed, or brought into compliance with the other provisions of this appendix, not later than the first anniversary date that the sign, or any part thereof, first became obsolete. If the premises upon which the obsolete sign, or any part thereof, is leased, then the obsolete sign, or any part thereof, shall be removed, or brought into compliance with the other provisions of this appendix, not later than the second anniversary date that the sign, or any part thereof, becomes obsolete, as established by the date of the tenant most recently ceasing to operate on the premises after the effective date of the enabling ordinance. These provisions are in accordance with the provisions of V.T.C.A., [Local Government Code] § 216.003(e) and (f).

~~If the owner fails to remove or render blank the sign within the prescribed time, the sign administrator shall notify the owner by certified mail to correct the violation within ten days after receipt of notification of violation. If the owner does not correct the violation, the sign administrator may remove the sign at the property owner's expense.~~

~~c. An obsolete business may be determined by disconnection of water, sewer, power, postal service, or any other indicators of vacancy.~~

(Ord. No. 2005-08, § 20, 3-21-2005; Ord. No. 2008-11, § 2, 5-19-2008; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 265. ~~Lawfully~~ Nonconforming signs.

- a. *Definition.* A ~~lawfully~~ nonconforming sign shall be any sign that does not comply with the requirements of this appendix, and which was in existence prior to the effective date of the enabling ordinance, whether permitted or not by the city's building division.

~~(1) It is the intent of this appendix to permit those nonconforming signs to continue until they are removed, but not to encourage their survival. The city's building division is charged with establishing a list of all such signs, and shall serve notice by U.S. Mail and permit holders to the owners of such signs as to the status of said signs.~~

~~(2) A sign permit issued by the city's building division is required for any repair work to be performed under this subsection.~~

- b. *Exemptions. Signs*

~~(1) Signs lawfully in place on Month Day, 2023, the effective date of these requirements.~~

~~(2) Sign associated with an issued Certificate of lawful nonconformity required. A certificate of lawful nonconformity issued by the city's building division shall be required for existing any lawfully nonconforming signs in 2008. that does not comply with the requirements of this appendix and which were in existence prior to the effective date of the enabling ordinance Month 00, 2008. After notice to the owners of such signs in accordance with subsection a of this section, said owners shall have 90 calendar days from the date of such notice by the city to obtain a certificate of lawful nonconformity from the city's~~

Commented [BB41]: Language per state law. LGC 216.003

Commented [bb42]: A lawful nonconforming sign was granted a permit before the ordinance changed. A nonconforming sign is in existence and without being granted a permit or was annexed into the city.

building division. The application for a certificate should include photographs of the signs and any construction plans that are available.

(1) —

(2) c. — *Conformity required.* It is the intent of this section that all nonconforming signs for which, both with and without a certificate of lawful nonconformity is issued, must be brought into compliance with the requirements of this appendix, and under the conditions set forth in subsection e of this section, and owners of such signs shall secure a permit from the city's building division for all necessary work to effect said compliance.

d. *Repair, appearance, and alteration.* Lawfully-n Nonconforming signs, and any part thereof, for which a certificate of lawful nonconformity has been issued shall be kept in good repair, as to structure, electrical and appearance components, and no structural alterations of any kind shall be made thereto that increases the existing extent of nonconformity. A lawfully nonconforming sign may have its message changed, face replaced, or be illuminated internally or externally as long as if the existing extent of nonconformity is not increased.

de. *Replacement.* In the event that if a lawfully nonconforming sign or sign structure, or a substantial part of it, is damaged, destroyed, or dismantled for any purpose (other than maintenance operations or for changing the letters, symbols, or other matter on the sign), in an amount more than 60 percent of the cost of erecting a new sign of the same type at the same location, the sign and any sign structure shall either be:

(a) — Replaced with a new sign conforming to the requirements of this appendix, or

(b) — Removed.

e. *Removal.* Obsolete signs shall be removed or brought into compliance with the other provisions of this appendix, not later than the first anniversary date that the sign, or any part thereof, first became obsolete. If the premises upon which the obsolete sign, or any part thereof, is leased, then the obsolete sign, or any part thereof, shall be removed or brought into compliance with the other provisions of this appendix, not later than the second anniversary date that the sign, or any part thereof, becomes obsolete, as established by the date of the tenant most recently ceasing to operate on the premises after the effective date of the enabling ordinance. These provisions are in accordance with the provisions of V.T.C.A., [Local Government Code] § 216.003(e) and (f).

(1) If the owner fails to remove or render blank the sign within the prescribed time, the sign administrator shall notify the owner by certified mail to correct the violation within ten days after receipt of notification of violation. If the owner does not correct the violation, the sign administrator may remove the sign at the property owner's expense.

(3)(2) An obsolete business may be determined by disconnection of water, sewer, power, postal service, or any other indicators of vacancy.

A sign permit issued by the city's building division is required for any repair work to be performed under this subsection.

f. *Conversion of existing billboards to changeable electronic variable message signs (CEVMS).*

- (1) The overall size, height, location, and number of support poles used to support the sign structure of the existing billboard shall not be altered.
- (2) Electrical service to the sign must be underground from the property line to the sign.
- (3) Each message on an electronic sign shall be displayed for at least eight seconds, and a change of message shall be accomplished within two seconds.
- (4) A change of message must occur simultaneously on the entire sign face.

Commented [BB43]: Language per state law. LGC 216.003

-
- (5) No flashing, dimming, or brightening of the message is permitted except to accommodate changes of messages.
 - (6) Malfunction. CEVMS sign operators must respond to a malfunction or safety issue within one hour after notification and must remedy that malfunction or safety issue within 12 hours after notification. In case of a sign malfunction, the digital display must freeze until the malfunction is remedied.
 - (7) Display of emergency information. The city may exercise its police powers to protect public health, safety, and welfare by requiring emergency information to be displayed on digital display signs. Upon notification, the sign operators shall display amber alerts, silver alerts, information regarding terrorist attacks, natural disasters, and other emergency situations in appropriate sign rotations. Emergency information messages must remain in rotation according to the issuing agency's protocols.
 - (8) Public service announcements. Companies shall permit the city to place one public service announcement on each of the digital billboards for up to the equivalent time of an eight-week period for each year; provided, however, that such public service announcements shall consist of one slot of at least eight seconds in the standard rotation utilized by the advertising company on the applicable digital billboards.
 - (a-) Public service announcements shall be limited to city-sponsored event announcements and city-related public health, safety, and welfare announcements. The city shall be responsible for:
 - 1-(i) Providing the company with its public service announcements, which may be updated by the city at any time; and
 - 2-(ii) Any costs associated with providing the company with the artwork in an acceptable format.
 - (b-) The public service announcements must be submitted to the company at least five business days before the proposed display date. Content of public service announcements shall be determined in the sole discretion of the city. In addition:
 - 1-(i) The company shall provide use of the advertising space on the digital billboards, as reasonably necessary for emergency broadcasts, amber alerts, and silver alerts; and
 - 2-(ii) The company and city will work cooperatively and in good faith for the city to place additional city-related public service announcements on a space availability basis.
 - (9) The sign owner shall provide to the department contact information for a person who is available to be contacted at any time, and who is able to turn off the electronic sign promptly after a malfunction occurs.
 - (10) If the city finds that an electronic sign causes glare or otherwise impairs the vision of the driver of a motor vehicle or otherwise interferes with the operation of a motor vehicle, the owner of the sign, within 12 hours of a request by the city, shall reduce the intensity of the sign to an acceptable level.
 - (11) The sign owner or its designated contractor shall obtain permits and comply with adopted codes, including building and electrical codes.

(Ord. No. 2005-08, § 21, 3-21-2005; Ord. No. 2008-11, § 3, 5-19-2008; Ord. No. 2014-38, § 1, 1-5-2015; Ord. No. 2017-22, § 2, 9-11-2017)

Sec. 276. Exceptions and exemptions.

The following described signs are exempt from the provisions of this appendix except for sections 5 through 13 inclusive:

Created: 2021-12-16 13:05:22 [EST]

(Supp. No. 4, Update 2)

- a. Professional nameplates and occupational signs denoting only the name and occupation of an occupant in a commercial building or public institutional building, and not exceeding two square feet in area.
- b. Identification nameplates or signs on apartment houses, boardinghouses or rooming houses, or similar uses, not exceeding two square feet in area.
- c. One nameplate denoting only the name of the occupants of a dwelling, and not exceeding two square feet in area nor located closer than ~~two~~ three feet to the property line.
- d. Memorial and/or historical signs as designated by federal, state, or local governments.
- e. Traffic or other municipal signs, legal notices, or danger signs by federal, state, or local governments.
- f. Warning signs or trespassing signs on private property, not exceeding two square feet in area.
- g. Signs required by any law or regulation of the federal, state, or local governments.
- h. On-premises directional signs for ~~public and private developments denoting the entrance, exit, and direction of traffic flow setting forth the location of or directions to parking or buildings located on the premises, warning of on-premises obstacles or overhead clearances, or regulating the flow of on-premises traffic, including entrance and exit signs. Such signs may be lighted, consistent with other requirements for sign lighting,~~ and not exceeding two square feet in area, provided such sign is not prohibited or further regulated by any other ordinance of the city.
- i. Street banners erected by the city advertising a bona fide public event such as legal holidays, nonpolitical election instructions, and similar occasions.
- j. Civic and ~~religious organization~~ church signs. The city council may erect, or approve and permit to be erected, entrance signs at or near the city limits for the benefit of visitors, on which may be listed institutional names, ~~churches~~ religious organizations, and points of interest. Civic organizations and ~~churches~~ religious organizations may be permitted to place their insignias thereon. In addition, each church or institution may erect a maximum of four off-premises directional signs, with permission of the property owner, as long as if each sign does not exceed four square feet,
- k. Signs on motor vehicles, as such term "motor vehicle" is defined in Vernon's Tex. Transportation Code Ann. § 541.201(11) (V.T.C.A., Transportation Code § 541.201(11)), as amended, when the primary use of such motor vehicle is the transportation of persons or property; is not parked or located for the primary purpose of displaying the sign, and is not parked on a site for a continuous period exceeding 72 hours.
- l. Flags of the United States, the state, or any other political subdivision; or any flag of a religious, fraternal, or charitable organization; flags of a historic, political, religious, or military nature displayed on residential property with the consent of the owner.
- m. Company flags displaying only a company logo, provided such flag is affixed to a flagpole and the length of flag does not exceed one-quarter of the height of the flagpole.
- n. Decorations for stores, storefronts, and yards from November 20 through January 10 of each year commemorating the holiday season and from June 27 through July 7 of each year commemorating Independence Day.
- o. Sculptures, statues, or works of art; provided, however, that such object or structure is not identifiable in any way, by use of a trademark or logo, advertising campaign link, or other business activity.
- p. Signs containing noncommercial messages or messages otherwise protected by the constitutions of the United States or the state; provided, however, that there shall be no more than four such signs on any one property and the total square footage of all such signs shall not exceed 36 square feet.

Commented [BB44]: To be consistent with other sign setbacks.

Commented [BB45]: Updated language per CGray. Language partially from City of Baytown.

Commented [BB46]: Discriminatory.

Commented [BB47]: Added per CGray. Language is from City of Baytown.

g. Automated teller machine (ATM) signage. Signage on the cabinet, such as a graphic wrap, or directional signs to an automated teller machine.

(Ord. No. 2005-08, § 22, 3-21-2005; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 28~~7~~. Variances.

A variance may be authorized by the zoning board of adjustment under this appendix only for height of sign and setback of signs and sign structures. Further, it is the purpose and intent of the city council that no variance is granted under the terms of this appendix unless undue hardship will result therefrom. Undue hardship shall mean that strict application of the requirements hereof relating to height and setback of signs and sign structures shall deprive the applicant of reasonable use of his property.

(Ord. No. 2014-38, § 1, 1-5-~~2015~~)

Sec. 28. Appeals.

a. All appeals to the zoning board of adjustment shall be perfected by a request in writing to the building official for a hearing, in which the following information shall be contained:

- (1) Name, address, and primary e-mail address of the person making the appeal;
- (2) Facts surrounding the particular ruling or refusal to make a ruling;
- (3) The ruling, if any, of the sign administrator; and
- (4) Reasons why such ruling should be set aside, or if a ruling was refused, why such ruling should be made.

Appeals must be perfected within 30 days after the decision of the sign administrator.

b. An application for appeal shall be based on a claim that the true intent of the applicable code or the rules legally adopted thereunder have been incorrectly interpreted or the provisions of the code do not fully apply.

c. The sign administrator shall take prompt action in accordance with the decision of the zoning board of adjustment.

d. During the pendency of any appeal to the zoning board of adjustment, the ruling of the sign administrator shall be in full force and effect.

Commented [AH48]: Add appeals section.

Commented [bb49R48]: Added appeals section.



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: July 13, 2023

Subject: Receive an update from Freese and Nichols regarding the City's impact fees - Capital Improvements Advisory Committee.

Action:

SUMMARY / ORIGINATING CAUSE

The Engineering Department is working to update the Impact Fees, which is required by state law every 5 years. Freese and Nichols, Incorporated has been hired to conduct the study and the update. The purpose of this presentation is to explain the Commission's role in the process as the designated Capital Improvement Advisory Committee (CIAC).

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

none

RECOMMENDATIONS

none

ATTACHMENTS

1. PZ Presentation - Water and Wastewater Impact Fee 101 - 07-10-2023

WATER & WASTEWATER IMPACT FEE 101

Capital Improvements Advisory Committee

July 13, 2023



OVERVIEW & IMPACT FEE BASICS



LAND USE ASSUMPTIONS



WATER & WASTEWATER CIPs



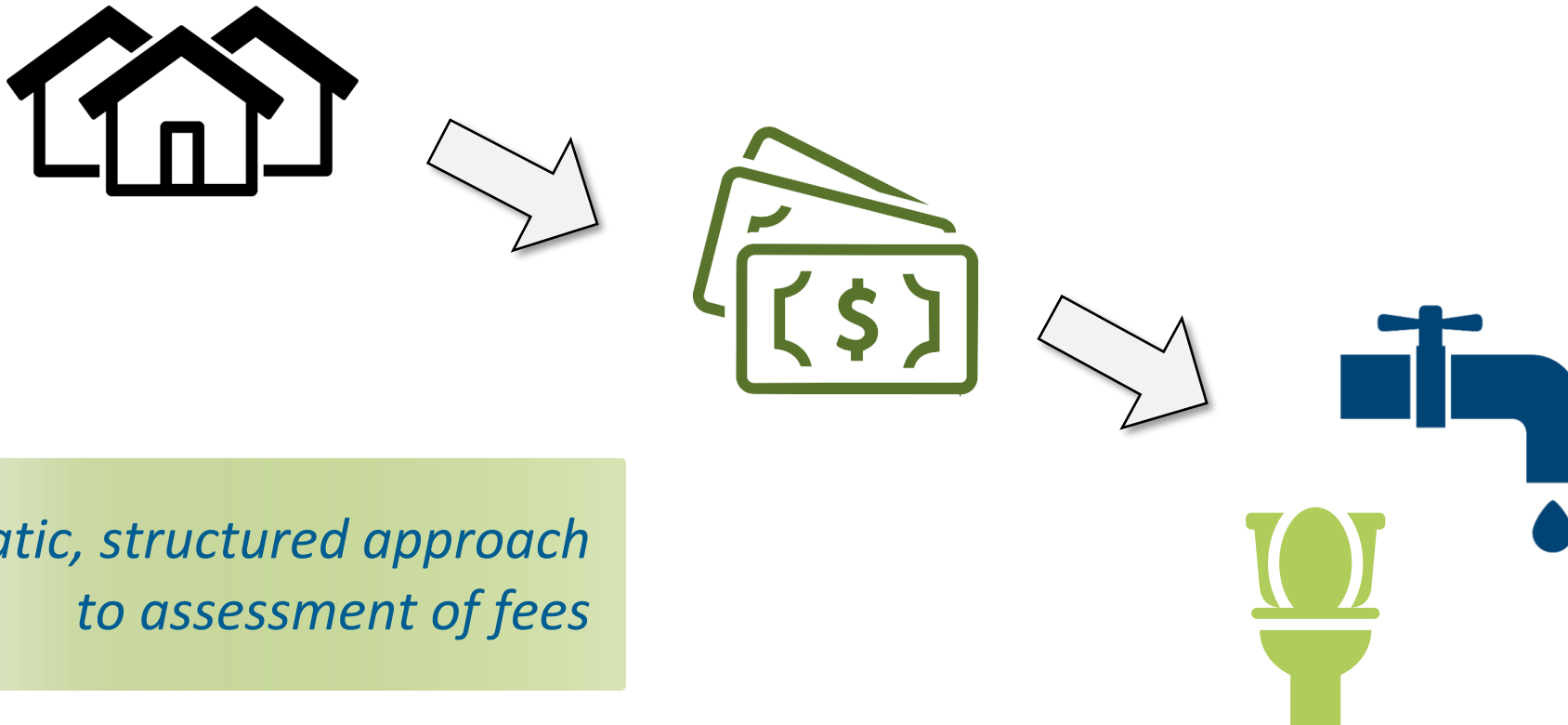
IMPACT FEE ANALYSIS



PATH FORWARD

WHAT ARE IMPACT FEES?

One-time charge assessed to new development for a portion of costs related to specific capital improvements



*Systematic, structured approach
to assessment of fees*

THE BASIC QUESTION

**WHO PAYS FOR
INFRASTRUCTURE TO
SERVE GROWTH?**

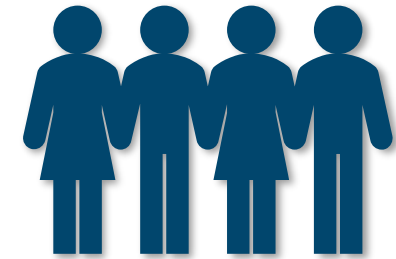
IMPACT FEES

New development
shares the cost



NO IMPACT FEES

Existing and future
rate payers pay for all
capital projects



- >>> Governed by Chapter 395 of the Texas Local Government Code (TLGC)
- >>> State law requires impact fees to be updated every 5 years
- >>> Why have impact fees?
 - ✓ Allows cities to **recoup costs** associated with infrastructure needed to serve future development, and **makes growth pay for a share of the growth**
 - ✓ Reduces full cost burden of new facilities on **existing customers**

A **Capital Improvements Advisory Committee (CIAC)** provides study input and written comments to Council on the land use assumptions, CIP, and impact fee

TLGC §395.058(b)

- >>> The advisory committee is composed of not less than five members...
- >>> If the political subdivision has a planning and zoning commission, the commission may act as the advisory committee if the commission includes at least one representative of the real estate, development, or building industry who is not an employee or official of a political subdivision or governmental entity.

City of Friendswood

- >>> By City of Friendswood Ordinance, the City's Planning and Zoning Commission acts as the CIAC

»» Guide the conduct of the study

»» **Provide input on:**

- ✓ Land Use Assumptions

- ✓ Capital improvement plans (CIPs) for Water and Wastewater

»» **Provide written comments** to Council on the recommended impact fees

WHAT IS ELIGIBLE FOR IMPACT FEES?

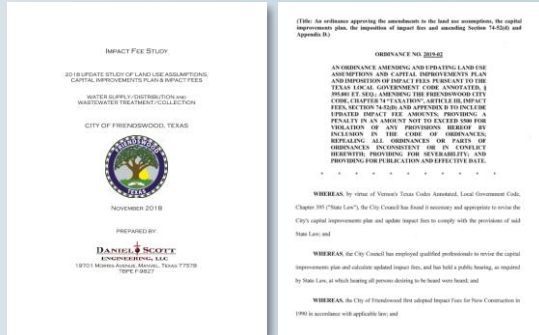
Components that **can** be paid for through an impact fee program:

- ✓ Recently constructed improvements with excess capacity to accommodate growth within 10 years
- ✓ Construction cost of capital improvements on the 10-Year CIP
- ✓ Survey and Engineering fees
- ✓ Land acquisition costs, including court awards
- ✓ Debt Service of Impact Fee CIP
- ✓ Study/Update Costs

Components that **cannot** be paid for through an impact fee program:

- ✗ Projects not included in the CIP
- ✗ Repair, operation and maintenance of existing or new facilities
- ✗ Upgrades to serve existing development
- ✗ Administrative costs of operating the program
- ✗ Non-CIP debt service

EXISTING IMPACT FEE ORDINANCE



»»» Existing impact fees adopted in February 2019

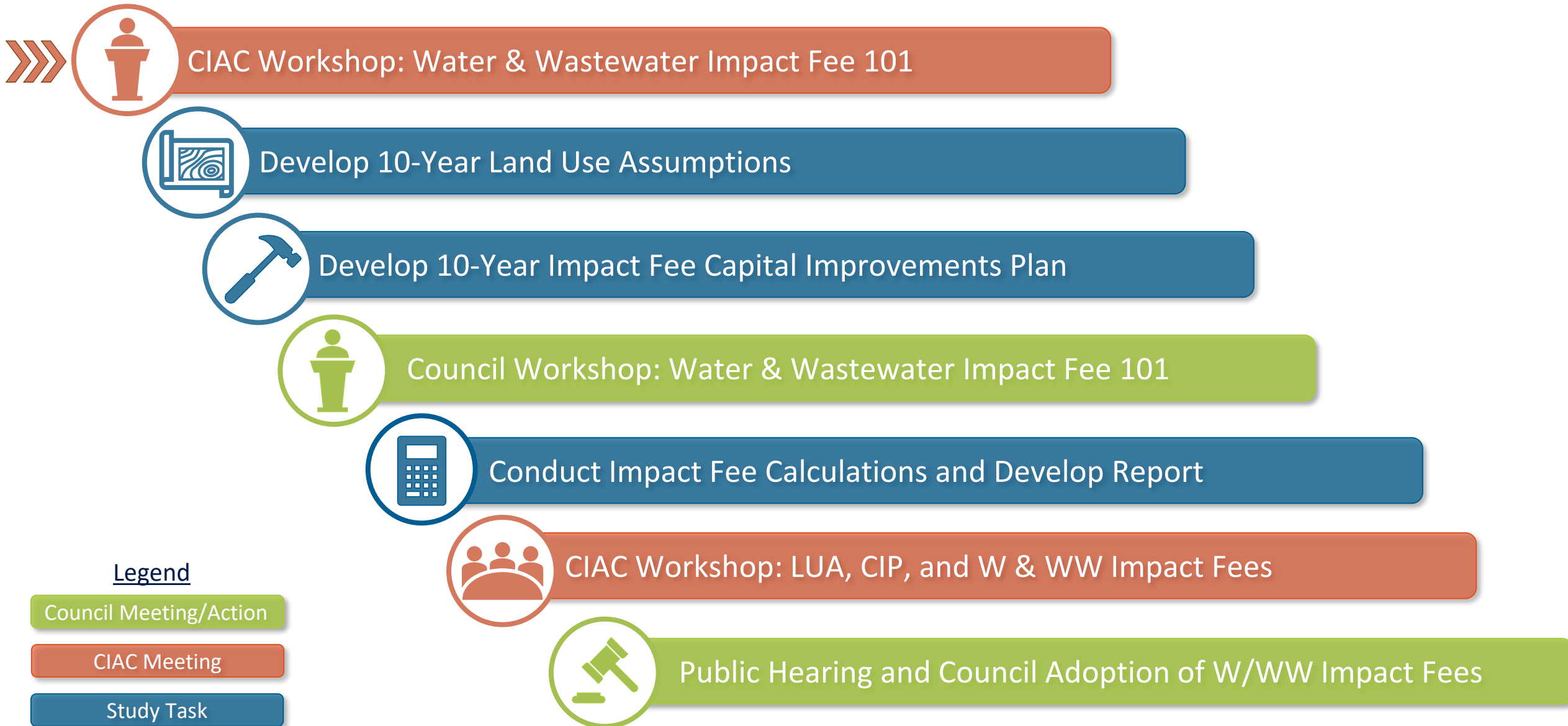
»»» Assessed based on the water meter size

Total Water & Wastewater Impact Fee for 1" meter = \$4,227

Meter Size	Type	ESU	Water Impact Fee	Wastewater Impact Fee	Total Water and Wastewater Impact Fee
1"	simple	1	\$1,407	\$2,820	\$4,227
1-1/2"	simple	2	\$2,814	\$5,640	\$8,454
2"	simple	3	\$4,221	\$8,460	\$12,681
3"	compound	6	\$8,442	\$16,920	\$25,362
4"	compound	10	\$14,070	\$28,200	\$42,270
6"	compound	20	\$28,140	\$56,400	\$84,540
8"	compound	32	\$45,024	\$90,240	\$135,264
10"	compound	46	\$64,722	\$129,720	\$194,442
12"	compound	86	\$121,002	\$242,520	\$363,522

1" meter is the smallest acceptable meter size. Meters smaller than 1" to pay 1" meter fee.

IMPACT FEE UPDATE PROCESS

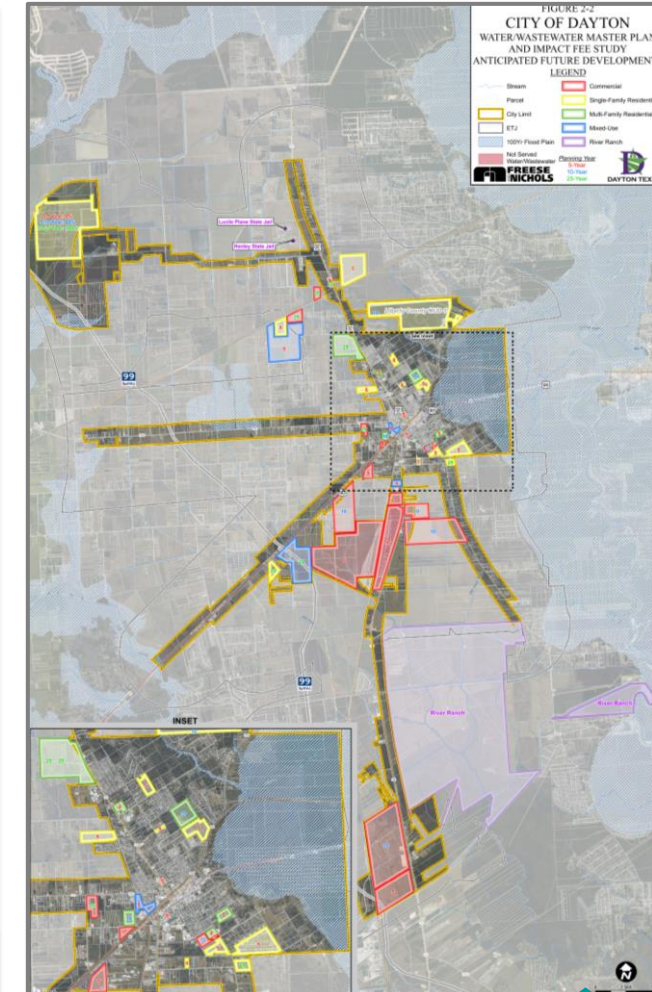
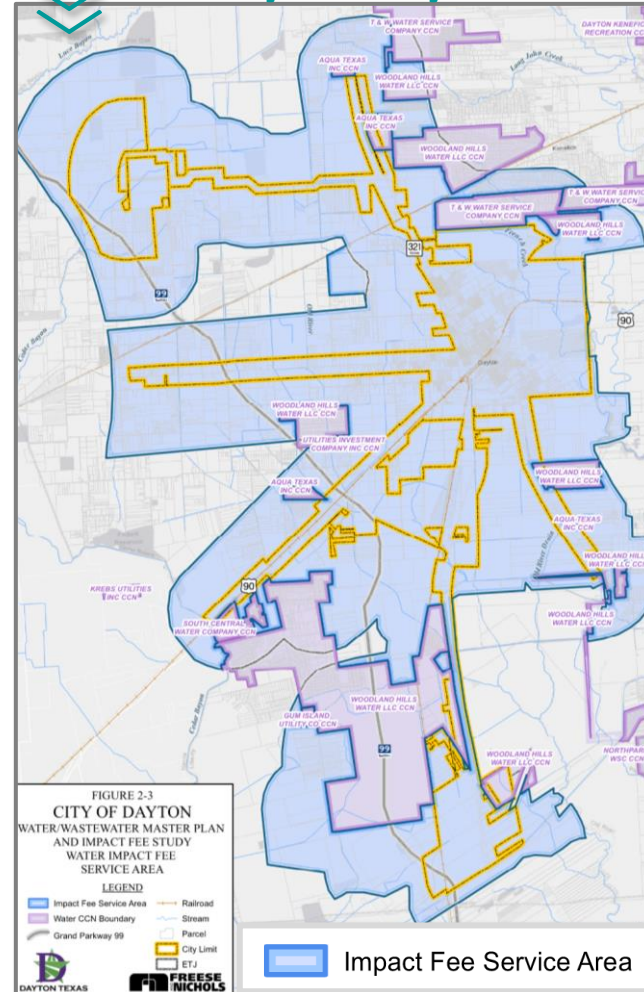


LAND USE ASSUMPTIONS

Process to Update Land Use Assumptions

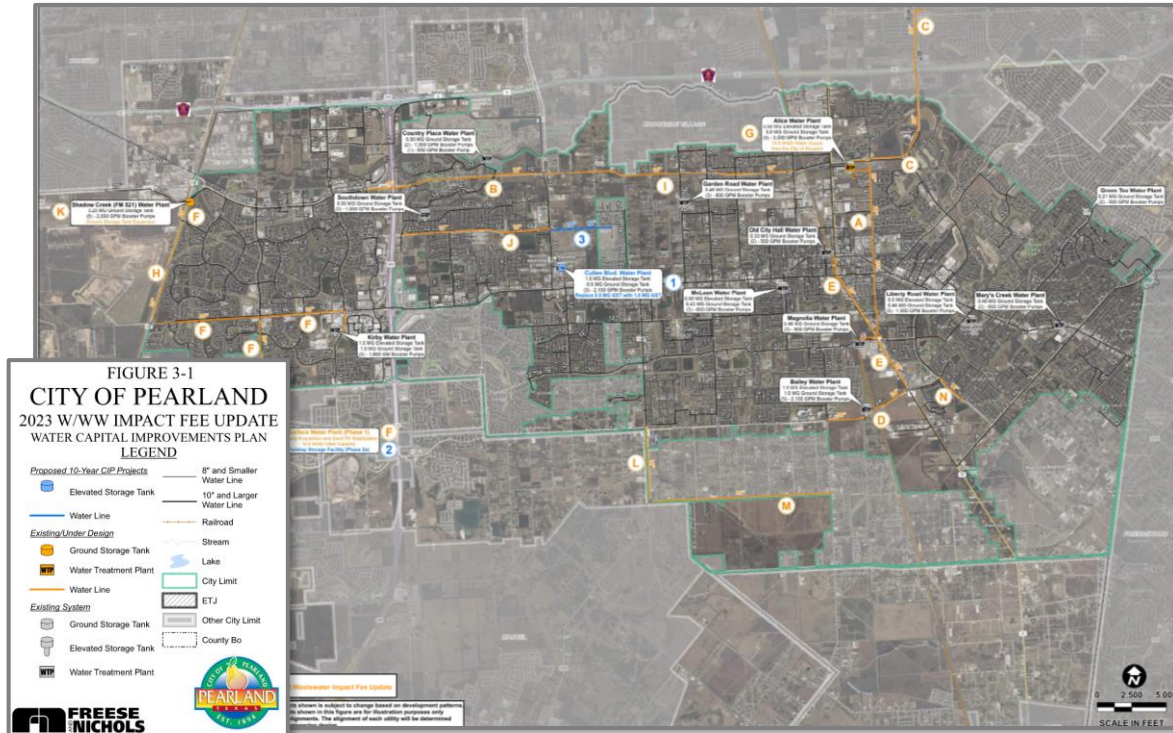
- 1 Delineate impact fee service area
- 2 Catalog existing (2023) population and commercial developments
- 3 Project ten-year (2033) population and commercial developments
- 4 Calculate 10-year growth in service units

Example Impact Fee Service Area

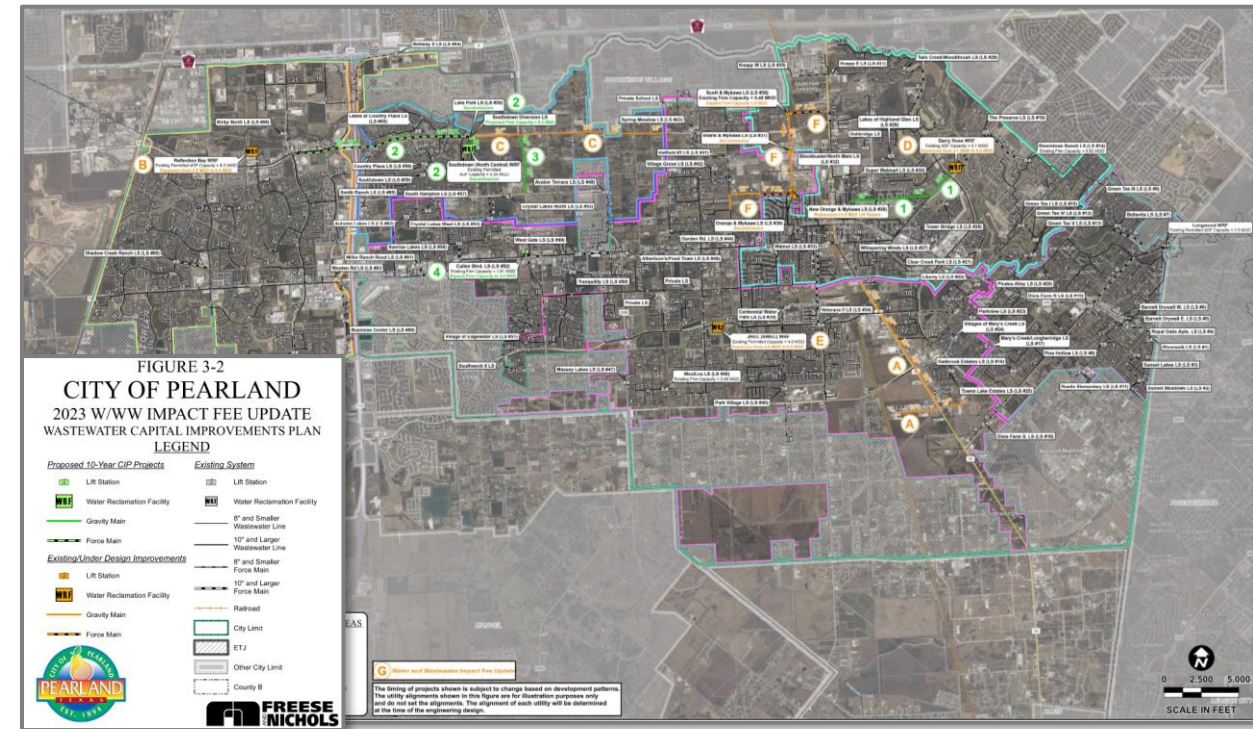


Example Projected Future Developments

CAPITAL IMPROVEMENT PLANS



*Example Water Impact Fee
Capital Improvements Plan*



*Example Wastewater Impact Fee
Capital Improvements Plan*

IMPACT FEE CALCULATION

$$\text{Impact Fee Per ESU} = \frac{\text{Eligible CIP Cost} - \text{Rate Credit}}{\text{Service Unit Growth}}$$

ESU = Equivalent Service Unit (connection for a single-family home)

Eligible CIP Cost = 10-year capital cost (2023 - 2033)

Rate Credit = Chapter 395: Reduce eligible CIP Cost by a credit equal to 50 percent of the total projected cost of implementing the CIP

Service Unit Growth = Derived from land use assumptions for 10-year growth in **ESUs**

EQUIVALENT SERVICE UNIT

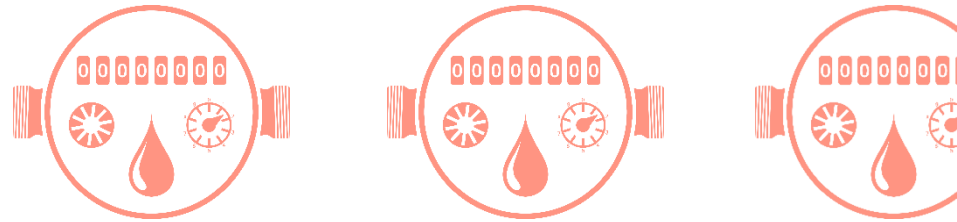
Utilizing Neptune Mach 10 water maters

2" Water Meter



=

1" Water Meters

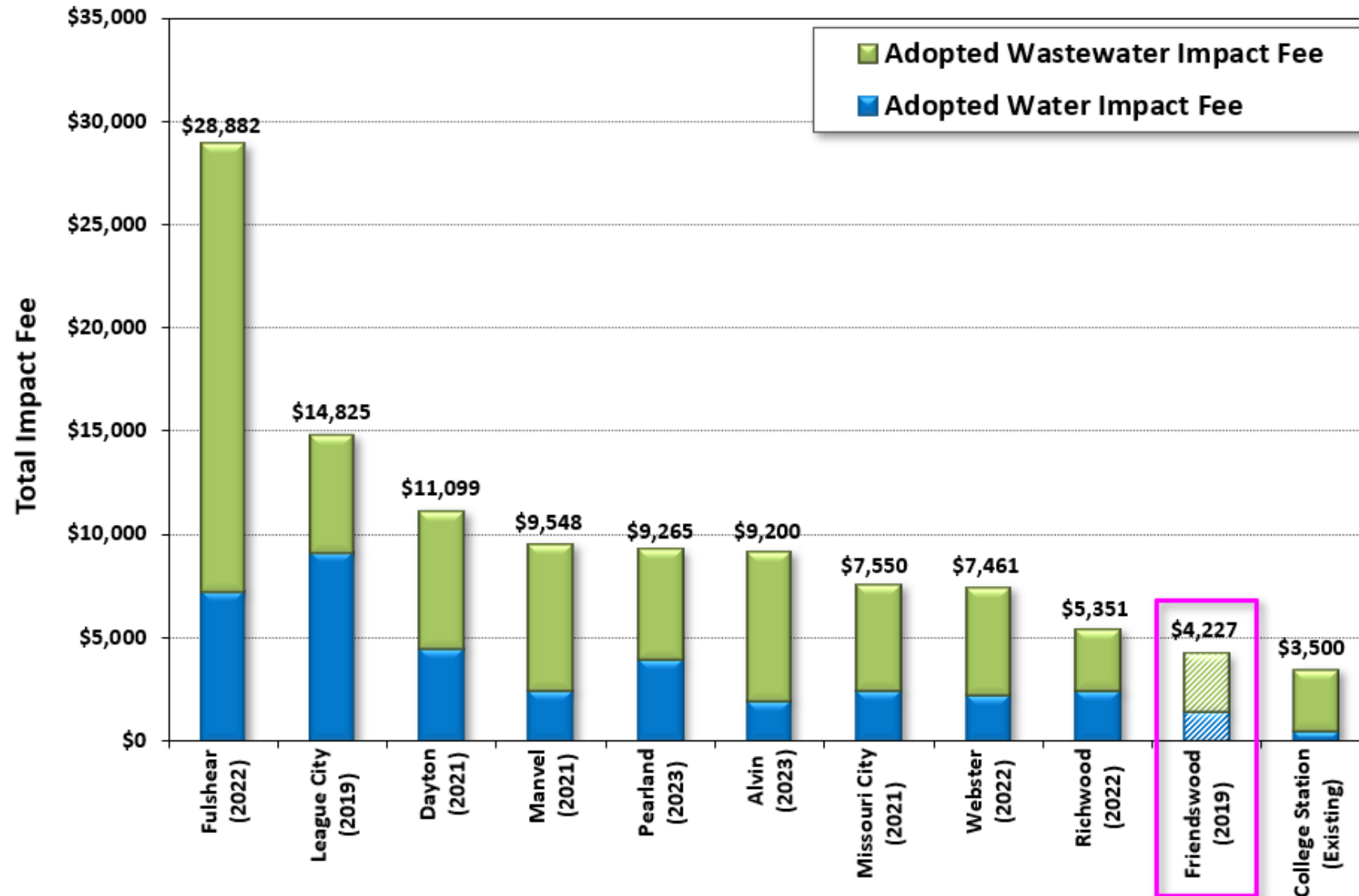


=



Shopping Center

IMPACT FEE COMPARISON WITH OTHER CITIES



Impact fees shown are for a single-family connection

IMPACT FEE UPDATE SCHEDULE

Action Item	Date	Action By
CIAC Workshop– Impact Fees 101	7/13/2023	City Staff, CIAC, FNI
COUNCIL Workshop– Impact Fees 101	8/7/2023	City Staff, Council, FNI
Resolution to set Public Hearing for Impact Fees	9/11/2023	Council
CIAC Workshop – Review LUA, CIP, & W/WW Impact Fees	9/14/2023	City Staff, CIAC, FNI
Advertise for Public Hearing	By 10/4/2023	City Staff, FNI
CIAC Submits Written Comments to Council	By 10/25/2023	CIAC
PUBLIC HEARING – W/WW Impact Fees	11/6/2023	City Staff, Council, FNI
COUNCIL – Reading and Adoption of the Ordinance Updating Impact Fees		

Thank you!



Kendall Ryan, PE

(832) 456-4732

e-mail: Kendall.Ryan@freese.com





FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: July 13, 2023

Subject: Receive the June 2023 DRC Report, Council Liaison updates concerning action taken by the City Council on Planning and Zoning related items, and Commissioner comments concerning items of community interest and/or requesting future agenda items.

Action:

SUMMARY / ORIGINATING CAUSE

DRC Report is attached.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

ATTACHMENTS

1. June 2023 DRC Report

COMMUNITY DEVELOPMENT DEPARTMENT
MONTHLY DRC REPORT
JUNE 2023



Project	Current Zoning	Zone Change Required? Y/N	Issues discussed	Location
4440 FM 2351 Dance Studio	I	No	☐ Zone change ☒ Meets Future Land Use Map ☐ Plat required – Industry Park I ☐ Eligible for Certificate of Platting Exemption - issued ☐ Site plan approval – existing building ☐ Community Overlay District (150 feet) ☐ Downtown District ☐ Water Available ☐ Sewer Available – or may apply for septic system ☐ On-site detention required ☐ May be eligible for regional detention; make request to GCCDD; if not, on-site detention will be required ☐ High hazard flood zone(s) ☐ Pipelines and abandoned oil wells ☐ TxDOT Permits required Misc Notes: Existing structure built and formerly occupied by E Squared Marine. Parking is the major concern. And if occupying the entire building, a fire sprinkler and fire alarm system will be required. Other levels of occupancy may trigger fire requirements.	

101 N Friendswood Drive Auto Repair – raise height of building, add bay, remodel possibly remove carport/canopy	CSC	No	☐ Zone change ☐ Meets Future Land Use Map ☐ Plat required ☒ Eligible for Certificate of Platting Exemption ☒ Site plan approval ☒ Community Overlay District ☐ Downtown District ☒ Water Available – existing; verify size ☒ Sewer Available – existing; verify size ☒ On-site detention required – 100% impervious already ☐ Eligible for regional detention; make request to GCCDD ☐ High hazard flood zone(s) ☐ Pipelines and abandoned oil wells ☒ TxDOT Permits required Misc Notes: Non-conforming site and building. Additions to the building cannot increase the non-conformity. Suggested moving bays to the rear of the building to increase conformity and add bay. Landscaping will be a challenge. Sidewalk needs to be added in one small section on FM 518. Fire sprinkler and fire alarm system may be required depending on use and square footage.	
---	-----	----	---	--