PLANNING & ZONING COMMISSION MEETING

Wednesday, August 28, 2024 at 5:30 PM
Glen Rose City Hall, Council Chambers,
201 NE Vernon, Glen Rose, TX 76043

AGENDA

CALL TO ORDER

Pledge of Allegiance, Roll Call

PUBLIC HEARING

1. Public hearing regarding a request for a Specific Use Permit for Short Term Rental for the property located at 301 SW Barnard, Acres 0.510, Tract F7-26, Abst A136, A136 Milam Co Sch LD, Tract F7-26 to operate in an R-1 (Single Family District).

2. Public hearing regarding a request for a Specific Use Permit in order to operate a Custom Art Tattoo and Piercing Parlor at the property located at 611 NE Big Bend Tr., Ste A; Acres 0.562, Subd: R0500, Abst: A136, RIVES, LOT 7 & 8; within a B-2 (General Commercial District) Zone.

INDIVIDUAL ITEMS FOR CONSIDERATION

3. Discussion, consideration and possible action regarding a request for a Specific Use Permit for Short Term Rental for the property located at 301 SW Barnard, Acres 0.510, Tract F7-26, Abst A136, A136 Milam Co Sch LD, Tract F7-26 to operate in an R-1 (Single Family District).

4. Discussion, consideration and possible action regarding a request for a Specific Use Permit in order to operate a Custom Art Tattoo and Piercing Parlor at the property located at 611 NE Big Bend Tr, Ste A; Acres 0.562, Subd: R0500, Abst: A136, RIVES, LOT 7 & 8; within a B-2 (General Commercial District) Zone.

5. Discussion, consideration and possible action regarding recommendations for amending Article 4.08 Mobile Food Courts

6. Discussion, consideration and possible action regarding recommendations for amending Article 4.09 Mobile Food Trucks

7. Discussion, consideration and possible action regarding recommendations for amending Chapter 10.06.004 Parkland Dedication & Park Improvement

8. Discussion, consideration and possible action regarding recommendations for renaming Subdivision Regulation as Development/Subdivision Regulation (Chapter 10)

9. Discussion, consideration and possible action regarding recommendations to create Chapter 14.01 to include the district overlay for Downtown

10. Discussion, consideration and possible action to set the district confines and special requirements of Chapter 14.02-2

11. Discussion, consideration and possible action to create procedures for creating an overlay district

12. Discussion, consideration and possible action regarding recommendations on updates to Appendix A - Schedule of uses

13. Discussion, consideration and possible action regarding recommendations on updating Chapter 4.06 Outside Sales & Storage

14. Discussion, consideration and possible action regarding recommendations for amending Chapter 14.02.102 Specific Use Permits

15. Discussion, consideration and possible action regarding recommendation to updating Article 3.10 Signs

ADJOURNMENT

In accordance with the Americans with Disabilities Act, persons who need accommodation to attend or participate in the is meeting should contact the City Secretary's office at (254) 897-2272 x 102 at least 48 hours prior to the meeting to request such assistance.

CERTIFICATION

I, the undersigned authority, do hereby certify that this NOTICE OF MEETING was posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance of the City of Glen Rose City Hall, a place convenient and readily accessible to the general public, as well as to the City's website at *www.glenrosetexas.org* and said notice was posted on the following date and time: **Friday, August 23, 2024, on or before 5:00 PM** and remained posted for at least two hours after said meeting was convened.

Jodi Holthe

Jodi Holthe
Building, Planning Code Enforcement Department

Certification of NOTICE OF MEETING was removed on: _____ at _____ am/pm

by _____ . _____

CITY COUNCIL
AGENDA ACTION FORM

AGENDA DATE:	8/28/2024		
AGENDA SUBJECT:	Public hearing regarding a request for a Specific Use Permit for Short Term Rental for the property located at 301 SW Barnard, Acres 0.510, Tract F7-26, Abst A136, A136 Milam Co Sch LD, Tract F7-26 to operate in an R-1 (Single Family District).		
PREPARED BY:	Building/Planning/Code Enforcement Assistant Holthe	**DATE SUBMITTED:**	6/10/24
EXHIBITS:			

BUDGETARY IMPACT:	**Required Expenditure:**	$00.00
	Amount Budgeted:	$00.00
	Appropriation Required:	$00.00
CITY ADMINISTRATOR APPROVAL:		

SUMMARY:

RECOMMENDED ACTION:

CITY COUNCIL
AGENDA ACTION FORM

AGENDA DATE:	8/28/2024		
AGENDA SUBJECT:	Public hearing regarding a request for a Specific Use Permit in order to operate a Custom Art Tattoo and Piercing Parlor at the property located at 611 NE Big Bend Tr., Ste A; Acres 0.562, Subd: R0500, Abst: A136, RIVES, LOT 7 & 8; within a B-2 (General Commercial District) Zone.		
PREPARED BY:	Building/Planning/Code Enforcement Assistant Holthe	**DATE SUBMITTED:**	7/25/24
EXHIBITS:			

BUDGETARY IMPACT:	**Required Expenditure:**	$00.00
	Amount Budgeted:	$00.00
	Appropriation Required:	$00.00
CITY ADMINISTRATOR APPROVAL:		

SUMMARY:

RECOMMENDED ACTION:

CITY COUNCIL
AGENDA ACTION FORM

AGENDA DATE:	8/28/2024		
AGENDA SUBJECT:	Discussion, consideration and possible action regarding a request for a Specific Use Permit for Short Term Rental for the property located at 301 SW Barnard, Acres 0.510, Tract F7-26, Abst A136, A136 Milam Co Sch LD, Tract F7-26 to operate in an R-1 (Single Family District).		
PREPARED BY:	Building/Planning/Code Enforcement Assistant Holthe	**DATE SUBMITTED:**	6/10/24
EXHIBITS:	**1.** Request for Specific Use Permit Application **2**. Property Notification Letter **3.** Property Return Letter		

BUDGETARY IMPACT:	**Required Expenditure:**	$00.00
	Amount Budgeted:	$00.00
	Appropriation Required:	$00.00
CITY ADMINISTRATOR APPROVAL:		

SUMMARY:

- 06/10/2024 – Request for Specific Use Permit Application was received
- 08/10/2024 - Notice of Public Hearing was posted in the local newspaper
- 08/16/2024 - 9 Property owner letters were sent representing 9 properties.

06 Letters have been confirmed as received
03 Letters unconfirmed as received
00 Letters were returned
02 Favorable response has been returned
00 Opposition response has been returned

RECOMMENDED ACTION:
Move to approve or deny as presented.

Building, Planning and Code Enforcement Department
201 NE Vernon Street, PO Box 1949, Glen Rose, Texas 76043
(254) 897-2272 Fax: (254) 897-7989

NOTIFICATION

August 16, 2024

NOTICE OF PUBLIC HEARING

Public hearings will be held at 5:30 p.m. at City Hall (201 NE Vernon Street, Glen Rose, Texas) on August 28, 2024 before the Planning and Zoning Commission and on September 10, 2024 before the City Council on a request by applicant/owner's representative, Ruben Estrada; Panola Investments LLC, to request a Specific Use Permit for Short Term Rental for the property located at 301 SW Barnard, Acres 0.510, Tract F7-26, Abst A136, A136 Milam Co Sch LD, Tract F7-26 to operate in an R-1 (Single Family District).

Dear Property Owner:

You are receiving this notice because our records indicate you own property within 200' of the property referenced above that is the subject of these hearings. Included with this letter is a Property Owner Response Form, the application for a Specific Use Permit for Short Term Rental which is under consideration, and a map showing all the properties within 200' of the referenced property. If you would like to register your opinion in favor or in opposition to granting the Specific Use Permit, please complete the form and either mail or email it to us, or deposit it in one of the drop boxes at City Hall.

If the owners of 20% or more of the land within 200' of the referenced property provide written notice of their objection to the issuance of the Specific Use Permit Request, instead of a simple majority it will require a vote of ¾ of the City Council members present to approve the request.

You are welcome to attend and participate in either or both of the Public Hearings.

Should you have any questions, please contact us at (254) 897-2272 ext. 109.

Sincerely,

Building, Planning, and Code Compliance Department

Building /Planning/Code Enforcement Department
201 NE Vernon Street
PO Box 1949, Glen Rose, Texas 76043
(254) 897-2272 Fax: (254) 897-7989

Specific Use Permit Application
Short-Term Rental

Short Term Rentals located in the following Zones require the Property Owner to complete this form and submit it to City Staff for review:

☒ R-1 ☐ R-2 ☐ R-2m ☐ R-3 ☐ R-4 ☐ MH

Property Address: 301 W. BERNARD GLEN ROSE, TX 76043

Applicant's Name: RANOLA INVESTMENTS LLC Date: 6/10/2024

Present zoning at site: ☒ R-1 ☐ R-2 ☐ R-2m ☐ R-3 ☐ R-4 ☐ MH

Parking Spaces Provided: 2

Property Owner Information

Full Name: RANOLA INVESTMENTS LLC Email: RESTRADAD@PRODIGY.NET

Address: 1226 RANOLA CT GRANBURY, TX 76048 Telephone No: _____

Form of ownership:

☐ Individual ☐ Partnership ☐ Corporation

Applicant/Owner's Representative (if not the owner)

Full Name: Ruben Estrada Email: _____

Address: _____ Telephone No: _____

Intended use of property

☐ B&B short term rental - Any residential dwelling in which rooms are rented to paying guests on an overnight basis with not more than one (1) meal served daily, with the entire service to be included in one (1) stated price.

☐ B&B short term rental – A guest house or small hotel offering sleeping accommodations.

☒ Non-B&B short term rental.

Additional details:

_____

_____

_____

Owner's Signature: _____ Date: 6/10/24

Representative Signature: _____ Date: ___/___/___

NOTICE OF PUBLIC HEARING

City of Glen Rose, Texas
Building, Planning, Code Enforcement Department
P.O. Box 1949, Glen Rose, TX 76043
Ph: (254) 897-2272 Fax: (254) 897-7989

Email: jodi.holthe@glenrosetexas.org

PROPERTY OWNER RESPONSE FORM

Re: Request for a Specific Use Permit for Short Term Rental for the property located at 301 SW Barnard ***Acres 0.510, Tract F7-26, Abst A136, A136 Milam Co Sch LD, Tract F7-26 to operate in an R-1 (Single Family District).***

This letter may be deposited in either of the two drop boxes located at City Hall, 201 NE Vernon Street, Glen Rose, Texas or mailed to City Hall, Attention: Planning and Zoning Department, PO Box 1949, Glen Rose, Texas 76043.

NAME: _____

ADDRESS: _____

I AM ( ) IN FAVOR ( ) IN OPPOSITION TO THIS REQUEST.

Reasons/Comments:

_____
_____
_____
_____
_____
_____
_____

_____ _____
Signature **Date**

Building and Planning / Code Enforcement

NOTICE OF PUBLIC HEARING

City of Glen Rose, Texas
Building, Planning, Code Enforcement Department
P.O. Box 1949, Glen Rose, TX 76043
Ph: (254) 897-2272 Fax: (254) 897-7989

Email: jodi.holthe@glenrosetexas.org

PROPERTY OWNER RESPONSE FORM

Re: Request for a Specific Use Permit for Short Term Rental for the property located at 301 SW Barnard ***Acres 0.510, Tract F7-26, Abst A136, A136 Milam Co Sch LD, Tract F7-26 to operate in an R-1 (Single Family District).***

This letter may be deposited in either of the two drop boxes located at City Hall, 201 NE Vernon Street, Glen Rose, Texas or mailed to City Hall, Attention: Planning and Zoning Department, PO Box 1949, Glen Rose, Texas 76043.

NAME: KAREN RICHARDSON

ADDRESS: 303 SW BARNARD

I AM (✓) **IN FAVOR** ( ) **IN OPPOSITION TO THIS REQUEST.**

Reasons/Comments: Perfect property for such use — Neighbors mostly business — ALREADY HAS OF LIGHTS + HOUSE FROM SQUARE & VEHICLES; GOOD NO PROBLEM WITH Loading, + Noise

Karen Richardson
Signature

Aug 19 2024
Date

Building and Planning / Code Enforcement

NOTICE OF PUBLIC HEARING

City of Glen Rose, Texas
Building, Planning, Code Enforcement Department
P.O. Box 1949, Glen Rose, TX 76043
Ph: (254) 897-2272 Fax: (254) 897-7989

Email: jodi.holthe@glenrosetexas.org

PROPERTY OWNER RESPONSE FORM

Re: Request for a Specific Use Permit for Short Term Rental for the property located at 301 SW Barnard *Acres 0.510, Tract F7-26, Abst A136, A136 Milam Co Sch LD, Tract F7-26 to operate in an R-1 (Single Family District).*

This letter may be deposited in either of the two drop boxes located at City Hall, 201 NE Vernon Street, Glen Rose, Texas or mailed to City Hall, Attention: Planning and Zoning Department, PO Box 1949, Glen Rose, Texas 76043.

NAME: RAYBURN CARTER

ADDRESS: 301 SW BARNARD ST

I AM (X) IN FAVOR ( ) IN OPPOSITION TO THIS REQUEST.

Reasons/Comments: Please execute this request as soon as possible !!!

Rayburn Carter

Signature **Date** 8/16/24

Building and Planning / Code Enforcement

NOTICE OF PUBLIC HEARING

City of Glen Rose, Texas
Building, Planning, Code Enforcement Department
P.O. Box 1949, Glen Rose, TX 76043
Ph: (254) 897-2272 Fax: (254) 897-7989

Email: jodi.holthe@glenrosetexas.org

PROPERTY OWNER RESPONSE FORM

Re: Request for a Specific Use Permit for Short Term Rental for the property located at 301 SW Barnard ***Acres 0.510, Tract F7-26, Abst A136, A136 Milam Co Sch LD, Tract F7-26 to operate in an R-1 (Single Family District).***

This letter may be deposited in either of the two drop boxes located at City Hall, 201 NE Vernon Street, Glen Rose, Texas or mailed to City Hall, Attention: Planning and Zoning Department, PO Box 1949, Glen Rose, Texas 76043.

NAME: Somervell History Foundation / Barnards Mill & Art Museum

ADDRESS: 307 Southwest Barnard Street

I AM (√) IN FAVOR ( ) IN OPPOSITION TO THIS REQUEST.

Reasons/Comments: See attached letter

Ann Carver, President
Signature

22nd August, 2024
Date

Building and Planning / Code Enforcement

Somervell History Foundation
Barnard's Mill and Art Museum
P.O. Box 2537 Glen Rose, Texas 76043 (254) 897-7494
www.barnardsmill.org

August 22, 2024

City of Glen Rose, Texas
Building, Planning, Code Enforcement Department
P. O. Box 1949
Glen Rose, Texas 76043

Re: Request for a Specific Use Permit for Short Term Rental for the property located at 301 SW Barnard *Acres 0.510, Tract F7-26, Abst A136, A136 Milam Co Sch LD, Tract F7-26 to operate* in *an R-1 (Single Family District).*

We, the Somervell History Foundation Board of Directors request that the following questions be answered concerning this property.

- When the property was purchased was the intended usage to be a short-term rental?
- Is this property going to be used solely for the purpose of short-term rental?

This property is located with the Senior Citizen Community Center to the left and River Glen Studio to the right, Price B and B and Barnards Mill and Art Museum just a little south of property. Riverhouse Grill sits just in front of the Senior Citizen Center. We do realize at this time with the shortage of housing in Glen Rose this could become an issue but this property is located in a high traffic area near the Historic Downtown District and there are already several businesses already in the area.

With that being said, we are in **favor** of this property becoming a short-term rental.

Ann Carver, President

CITY COUNCIL
AGENDA ACTION FORM

AGENDA DATE:	8/28/2024		
AGENDA SUBJECT:	Discussion, consideration and possible action regarding a request for a Specific Use Permit in order to operate a Custom Art Tattoo and Piercing Parlor at the property located at 611 NE Big Bend Tr, Ste A; Acres 0.562, Subd: R0500, Abst: A136, RIVES, LOT 7 & 8; within a B-2 (General Commercial District) Zone.		
PREPARED BY:	Building/Planning/Code Enforcement Assistant Holthe	**DATE SUBMITTED:**	7/25/24
EXHIBITS:	**1.** Request for Specific Use Permit Application **2**. Property Notification Letter **3.** Property Return Letter		

BUDGETARY IMPACT:	**Required Expenditure:**	$00.00
	Amount Budgeted:	$00.00
	Appropriation Required:	$00.00
CITY ADMINISTRATOR APPROVAL:		

SUMMARY:

- 07/25/2024 – Request for Specific Use Permit Application was received
- 08/10/2024 - Notice of Public Hearing was posted in the local newspaper
- 08/16/2024 - 10 Property owner letters were sent representing 12 properties.

04 Letters have been confirmed as received
06 Letters unconfirmed as received
00 Letters were returned
00 Favorable response has been returned
00 Opposition response has been returned

RECOMMENDED ACTION:
Move to approve or deny as presented.

Building, Planning and Code Enforcement Department
201 NE Vernon Street, PO Box 1949, Glen Rose, Texas 76043
(254) 897-2272 Fax: (254) 897-7989

NOTIFICATION

August 16, 2024

NOTICE OF PUBLIC HEARING

Public hearings will be held at 5:30 p.m. at City Hall (201 NE Vernon Street, Glen Rose, Texas) on August 28, 2024 before the Planning and Zoning Commission and on September 10, 2024 before the City Council on a request by applicant/owner's representative, Matthew Kuchta, to request a Specific Use Permit for in order to operate a Custom Art Tattoo and Piercing Parlor at the property located at 611 NE Big Bend Tr, Ste A; Acres 0.562, Subd: R0500, Abst: A136, RIVES, LOT 7 & 8; within a B-2 (General Commercial District) Zone.

Dear Property Owner:

You are receiving this notice because our records indicate you own property within 200' of the property referenced above that is the subject of these hearings. Included with this letter is a Property Owner Response Form, the application for a Specific Use Permit for Short Term Rental which is under consideration, and a map showing all the properties within 200' of the referenced property. If you would like to register your opinion in favor or in opposition to granting the Specific Use Permit, please complete the form and either mail or email it to us, or deposit it in one of the drop boxes at City Hall.

If the owners of 20% or more of the land within 200' of the referenced property provide written notice of their objection to the issuance of the Specific Use Permit Request, instead of a simple majority it will require a vote of ¾ of the City Council members present to approve the request.

You are welcome to attend and participate in either or both of the Public Hearings.

Should you have any questions, please contact us at (254) 897-2272 ext. 109.

Sincerely,

Building, Planning, and Code Compliance Department

Staff use only

Case # _____

Date Received: 7/25/24

Fee : $150.00 Paid on:

City of Glen Rose – Building / Planning / Code Enforcement Office
201 NE Vernon Street Tel: (254) 897-2272 Fax: (254) 897-7989
Email: codeenforcment@glenrosetexas.org

Specific Use Permit Application

Address of property: 611 NE Big Bend Trail Unit A, Glen Rose

Applicant's Name: Matthew Kuchta Date: 7-25-2024

Property Owner Information

Full Name: Glenn Wilson / Glen Rose Joint Ventures LLC

Address: BOX 43, Walnut Springs, TX 76690

Telephone No: _____ Email: _____

Applicant/Owner's Representative (if not the owner)

Full Name: Matthew Sean Kuchta

Address: _____

Telephone No: _____ Email: _____

Present zoning at site: B2

Form of Ownership of the property: [ ] Individual [ ] Partnership [X] Corporation

Intended use of property:

Custom Art Tattoo And Piercing Parlor

I/We am/are the owner(s) of the property. I/We hereby certify that all the information provided is true and correct.

Owner(s) Signature: _____ Glenn Wilson Date: 7/25/24

_____ Matthew Kuchta 7/25/24

NOTICE OF PUBLIC HEARING

City of Glen Rose, Texas
Building, Planning, Code Enforcement Department
P.O. Box 1949, Glen Rose, TX 76043
Ph: (254) 897-2272 Fax: (254) 897-7989

Email: jodi.holthe@glenrosetexas.org

PROPERTY OWNER RESPONSE FORM

Re: Request for a Specific Use Permit to operate a custom Art Tattoo and Piercing Parlor at the property located at 611 NE Big Bend Tr, Ste A; Acres 0.562, Subd: R0500, Abst: A136, RIVES, LOT 7 & 8; within a B-2 (General Commercial District) Zone

This letter may be deposited in either of the two drop boxes located at City Hall, 201 NE Vernon Street, Glen Rose, Texas or mailed to City Hall, Attention: Planning and Zoning Department, PO Box 1949, Glen Rose, Texas 76043.

NAME: _____

ADDRESS: _____

I AM ( ) IN FAVOR ( ) IN OPPOSITION TO THIS REQUEST.

Reasons/Comments:

_____
_____
_____
_____
_____
_____
_____

_____ _____
Signature **Date**

Building and Planning / Code Enforcement

CITY COUNCIL
AGENDA ACTION FORM

AGENDA DATE:	8/28/2024		
AGENDA SUBJECT:	Mobile Food Court – Article 4.08 Mobile Food Courts		
PREPARED BY:	Chairperson – Pamela Streeter	**DATE SUBMITTED:**	8/23/2024
EXHIBITS:			

BUDGETARY IMPACT:	**Required Expenditure:**	$00.00
	Amount Budgeted:	$00.00
	Appropriation Required:	$00.00
CITY ADMINISTRATOR APPROVAL:		

SUMMARY:

Update Mobile Food Court Ordinances to be more accurate to the land available.

RECOMMENDED ACTION:

ARTICLE 4.08 MOBILE FOOD COURTS

4.08.001 Definition
4.08.002 Mobile Food Court
4.08.003 Location Standards
4.08.004 Development Standards
4.08.005 Site Plan
4.08.006 Design And Maintenance Guidelines

4.08.001 Definition

Mobile food service establishment. An enclosed trailer or motor vehicle designed and operated for the sale of food and/or beverages, and which stays at one location for more than four (4) consecutive days. For the purpose of this article, two or more such establishments located on a single lot or parcel shall be known as a mobile food court. (Ordinance 17.12.11 adopted 12/11/17)

4.08.002 Mobile Food Court

1. No mobile food vendor/vehicle shall operate within a mobile food court that does not possess a valid permit.
2. All mobile food vendor requirements apply (see mobile food vendor article).

(Ordinance 17.12.11 adopted 12/11/17; Ordinance 18.06.11C adopted 6/11/18)

4.08.003 Location Standards

1. A mobile food court must meet all applicable zoning requirements applicable to the zoning district in which it is located and as required by this article.
2. Mobile food establishments shall operate only in zoning districts where eating establishments are allowed in the current city zoning ordinance.
3. All activity must occur on private property outside of the public right-of-way.
4. Vehicular drive-through service of food and/or beverages shall not be permitted.
5. Permitted mobile food vendors/vehicles located within the court shall be exempt from having to remove the vehicle from the site during nonoperating hours so long as such operation is in compliance with its use permit.
6. Mobile food courts shall not be located within three hundred feet (300) of a building with a restaurant possessing a certificate of occupancy.
7. Mobile food courts must comply with the setback minimum of the zoning district which the site is located, unless a more restrictive setback is required by the city to mitigate any negative impacts to adjacent businesses, residents, or safety, health or welfare of the general public.
8. No mobile food establishment or vending unit, structures associated with the mobile food court use, nor any seating areas shall be located in a required zoning setback, buffer yard, access easement drainage easement, floodplain, driveway, utility easement and/or firelane.

Deleted: <#>¶
¶

Deleted: fifty (50) feet

9. Mobile food establishment spaces shall be set back at least twenty-five feet from the front and fifteen feet from the rear lot lines, and set back from the side lot lines as specified for the zoning district where located.

(Ordinance 17.12.11 adopted 12/11/17; Ordinance 18.06.11C adopted 6/11/18)

4.08.004 Development Standards

1. Mobile food courts shall be allowed to engage in business only between the hours of 6:00 a.m. and 9:00 p.m. unless otherwise approved in writing by the city administrator or his/her designee.
2. The Texas Food Establishment Rules (TFER), section 229.167(d)(10) states a private home used as living or sleeping quarters may not be used for conducting food establishment operations.
3. Mobile food courts shall require an all weather surface as defined in _____ (Add to definition list as follows: All weather surface (parking and vehicular access). Vehicular "all weather surfaces" shall constitute: poured concrete on prepared subgrade; hot laid asphalt on a prepared base course; single, double, or triple asphalt surface treatment (consisting of applications of asphaltic material, each covered with aggregate) on a prepared base course. Brick/concrete block/tile/flagstone set in mortar or on a prepared base course. The Building Official shall determine if other materials may fit within this category of surface; however, in no case shall a material be considered a "all weather surface" if such surfaces generates or produces any dust or particulate matter that could be airborne to adjacent properties such as occurs with compacted base materials.
4. Mobile food courts must provide a paved parking area (in accordance to current building code), at a ratio of two (2) parking spaces per individual vendor/vehicle.
5. Mobile food courts must provide outside seating consisting of a table and a seating capacity of four (4), per mobile food vendor/vehicle unit.
6. Electrical service may be provided by a permitted temporary electrical connection (or other permitted connection provided by an electric utility) or on-board generators.
7. All vendors/vehicles selling food or beverages must provide at least one (1) appropriately sized trash receptacle adjacent to or as a part of their stand/operation.
8. Mobile food courts shall have access to a common dumpster and to a common grease disposal container, approved by the city. Common trash and grease disposal containers shall be enclosed within an area screened from view in accordance with city ordinances.
9. Water service may be provided by a permitted temporary water connection or on-board potable water source.
10. Mobile food establishments shall not be connected directly to the city wastewater system unless a grease trap is installed.
11. Mobile food vendors/vehicles shall demonstrate that the vehicle or unit is readily moveable if required by the city. Any alteration, removal, attachment, placement or change in, under or upon the mobile food vehicle or unit that would prevent or otherwise reduce ready mobility is prohibited.

Deleted: and one-half

Deleted: -1/2

Deleted: <#>Restrooms must be provided within the mobile food court area. A minimum of at least one (1) restroom shall be provided within one hundred (100) feet from each vendor/vehicle. This requirement can be met through one (1) of the following methods:¶
Permanent ADA bathroom as required by the International Building Code.¶
Bathroom facilities within a building(s) directly abutting the premises authorized by written consent of the building owner/tenant.¶
Bathroom facility trailer, or mobile trailer with bathrooms and self-contained water and wastewater facilities within it, maintained by a licensed company. Facility shall not be located fronting the property, but to the rear of mobile food vendors and if necessary screened from the public right-of-way.¶

Deleted: Each mobile food establishment shall obtain electricity from, and be within 50 feet of an individual main-disconnect breaker or central bank of multiple-disconnect breakers, as approved by the city.¶

Deleted: <#>Each mobile food establishment shall obtain water from, and be within 50 feet of a hose bib connected directly to the city water supply.¶

Deleted: <#>All mobile food vendors/vehicles situated on the property shall be located on a paved surface as required by city parking requirements.¶

3. All cooking appliances in the mobile unit shall be of an approved type, commercial grade, listed and labeled, for the use intended. Appliances shall be installed in accordance with the manufacture's instruction. Portable cap stoves or the equivalent shall be prohibited. All cooking appliances shall have an approved, labeled and listed on-off valve.
4. All propane and natural gas appliances shall be pressure tested annually and have only approved listed parts and no rubber hoses shall be allowed. All piping shall be in accordance with applicable city ordinances and adopted codes and protected from physical damage. Mounting and placement of containers shall comply with all applicable city ordinances, adopted codes and Texas Department of Transportation Regulations. The capacity limit of propane and natural gas containers or cylinders shall be determined by the fire marshal's office after consideration of features that secure and protect the container.
5. Cooking surfaces in the mobile unit shall be kept clean of grease build-up. Trash containers and debris shall be emptied regularly. Extension cords shall not be utilized for appliances. Appliances shall be plugged directly into electrical outlets.
6. Each enclosed vehicle must have two outward opening fire exits. Each exit must be properly label "emergency exit." Exits may not be blocked.
7. The fire marshal's office is herein authorized to conduct all inspections as necessary to determine the extent of compliance at any time.

15. Residing and/or dwelling within a mobile food unit overnight is strictly prohibited.
16. Failure to comply with these standards may result in revocation of vendor permit. If vendor permit is revoked, the vendor must wait 6 months before they can reapply.

(Ordinance 18.06.11B adopted 6/11/18)

4.09.008 Commissary Location

1. Any mobile unit stored on a commercial lot within the city limits shall be entirely enclosed within a building, or hidden from view behind the primary structure, or approved opaque screening.
2. Any mobile unit stored in a residential area within the city limits shall be stored entirely enclosed within a building or hidden from public view. All city residential parking requirements apply.

(Ordinance 18.06.11B adopted 6/11/18)

4.09.009 City-Sponsored Events

1. Any mobile unit/food vendor participating in a city-sponsored event shall be considered an exempt mobile food vendor as described herein and comply with all regulation established by the Texas Food Establishment Rules and city code. Texas Food Establishment licenses (if required) and food handlers license from the state

must be submitted to the events director along with the vendor application for each event.
2. The mobile food unit fee will be waived, however all applicable event fees will remain in effect.
3. Inspections by the fire marshal's office may be waived, however on-site inspections may be required.

(Ordinance 18.06.11B adopted 6/11/18)

4.09.010 Variances

If special circumstances prevent a mobile food vendor from complying with or make it too burdensome to comply with all the requirements of this article, an application for a variance may be submitted to the city council as follows:

1. The applicant must identify which specific requirements cannot be or are too burdensome to be met, and why they cannot be or are too burdensome to be met.
2. The applicant must provide payment of the fee established by the city at the time the application is submitted.
3. The city council shall conduct a public hearing concerning the application within 45 days of receipt of the application. City staff must notify property owners within 200' of the location where the mobile food vendor seeking the variance is proposing to operate at least 10 days prior to the date of the public hearing at which the application will be considered.
4. The city council shall consider the application and may approve or deny the variance as presented or may stipulate conditions and restrictions before approving it.
5. Unless the city council provides otherwise, the variance shall be effective for as long as the mobile food vendor continues to do business, at least once a month, at the location identified in the variance application.
6. The variance is not transferable.
7. The city council reserves the right, upon receipt of a written complaint against the mobile food vendor operating under the variance and after providing the applicant with thirty (30) days prior notice, to reconsider the matter and stipulate additional conditions and restrictions or revoke the variance.
8. No application for a variance which has been denied wholly or in part by the city council shall be resubmitted for a period of 90 days from the date of the denial.

12. At least two (2) and no more than five (5) individual mobile food establishments are permitted per mobile food court. Additional mobile food vendor/vehicle units may be authorized by the city council with a specific use permit.
13. Building official/fire marshal shall make the appropriate inspections of the location, equipment, vehicles/units and other reasonable inspections concerned with the mobile food court operation to assure compliance with the applicable adopted codes, ordinances, requirements of all state and federal statutes.
14. A minimum twenty (20) foot wide apparatus access route shall be provided around the periphery of any mobile food vendor/vehicle.
15. One (1) permanent detached sign permitted in compliance with the current sign ordinance shall be allowed for the mobile food court. Individual vendors/vehicles shall be limited to one (1) sign attached to trailer or truck. Signs on mobile food establishments shall be mounted flat on the exterior, and not exceed 20 percent of the wall area to which they are affixed. No detached or temporary signs are authorized.
16. Residing and/or dwelling within a vendor/vehicle unit(s) overnight is prohibited.
17. The sale, distribution or consumption of alcoholic beverages is prohibited within mobile food courts.
18. Mobile food courts must provide current and complete contact information including but not limited to: address, phone number, and any other information reasonably required by the city administrator or his/her designee for a designated on-call person to be a principal point of contact for city staff and the individual vendors/vehicles.
19. Failure to comply with these standards may result in termination or suspension of the certificate of occupancy.

(Ordinance 17.12.11 adopted 12/11/17; Ordinance 18.06.11C adopted 6/11/18)

4.08.005 Site Plan

A site plan drawn to a conventional scale must be submitted to the planning department showing the location and surface type of the proposed mobile food establishment locations, location of customer table-seating and any associated shelter structures, location of water hose bibs and electrical service connections, location and surface type of parking spaces and driveways, location and surface type of pedestrian access, location and description of outdoor lighting, location of restrooms(s), location of individual trash receptacles and common trash/grease disposal facilities, and type and height of common trash/grease disposal screening. (Ordinance 17.12.11 adopted 12/11/17)

4.08.006 Performance Standards

Mobile food vendor vehicle/structures design and maintenance guidelines:

1. All structures (vehicles) shall be free from defects including but not limited to peeling paint, rust, exposed metal or wood.
2. Tires must be fully inflated at all times.

Deleted: Vehicular drive-through service of food and/or beverage shall not be permitted.¶

Deleted: N

Deleted: three individual mobile food vendor/vehicle units are permitted per mobile food court site.

Deleted: <#>No mobile food vendor/vehicle unit, structures associated with the mobile food court use, not any seating areas shall be located in a required setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement and/or fire lane unless written authorizations is provided by the city administrator or his/her designee.¶

Deleted: ten (10)

Deleted: Design And Maintenance Guidelines

3. No outside sound amplifying equipment, or noisemakers, such as bells, horns, or whistles shall be permitted.

4. Lighting shall comply with Article 3.12

5. All signage shall comply with Article 3.10.

(Ordinance 17.12.11 adopted 12/11/17)

Formatted: Space After: 0 pt

Formatted: Font: (Default) Arial, 10.5 pt, Font color: Custom Color(RGB(34,34,34)), Ligatures: None

Deleted: ¶

Formatted: List Paragraph, Left, Right: 0.17", Space Before: 0 pt, After: 2.4 pt, Line spacing: At least 17.85 pt

Formatted: Font: (Default) Roboto Slab, 11 pt, Font color: Custom Color(RGB(81,89,103)), Ligatures: None

Formatted: Left, Indent: Left: 0.25", Right: 0.17", Space After: 2.4 pt, Line spacing: At least 17.85 pt

CITY COUNCIL
AGENDA ACTION FORM

AGENDA DATE:	8/28/2024		
AGENDA SUBJECT:	Mobile Food Truck – Article 4.09 Mobile Food Courts		
PREPARED BY:	Chairperson – Pamela Streeter	**DATE SUBMITTED:**	8/23/2024
EXHIBITS:			

BUDGETARY IMPACT:	**Required Expenditure:**	$00.00
	Amount Budgeted:	$00.00
	Appropriation Required:	$00.00
CITY ADMINISTRATOR APPROVAL:		

SUMMARY:

Update Mobile Food Court Ordinances to be more accurate to the land available.

RECOMMENDED ACTION:

ARTICLE 4.09 MOBILE FOOD VENDOR

4.09.001 Title And Purpose
4.09.002 Definitions
4.09.003 Inspections, Permits And Fee
4.09.004 Permitted Locations
4.09.005 Distance Regulations
4.09.006 Hours Of Operation
4.09.007 Mobile Food Vendor Requirements
4.09.008 Commissary Location
4.09.009 City-Sponsored Events
4.09.010 Variances

4.09.001 Title And Purpose

This article shall be known as the city's mobile food vendor ordinance. This article has been adopted to regulate mobile food vendors within the corporate limits of the city. (Ordinance 18.06.11B adopted 6/11/18)

4.09.002 Definitions

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

Commissary location. An established location where food service providers can prepare and store their food, as well as a location to store a mobile unit while not in use.

Edible goods. All food products designed for human consumption.

Exempt mobile food vendor. Any person that sells edible goods from a mobile unit operating at a stationary location in conjunction with a city event or a community recognized special event sanctioned by any local taxing entity and operating on the premises of any tax supported entity. Exempted mobile food vendors shall be subject to all state requirements for food handling establishments including any requirements or special conditions set by the host entity.

Food service establishment. Any business that sells edible goods from a fixed location and has been inspected and approved by the Texas Department of Health, including commercial kitchens and commissaries, and shall specifically exclude accessory or self serve retail food sales.

Mobile. The state of being in active, but not necessarily continuous, movement; capable of being moved and not permanently fixed or placed.

Mobile food vendor. Any person that sells edible goods from a mobile unit at a stationary location on private property approved for such activity within the city.

Mobile unit. Includes:

1. *Concession cart*. A mobile vending unit that must be moved by non-motorized means from which a mobile food vendor offers for sale or sells edible goods to the public;
2. *Concession trailer*. A vending unit that is pulled by a motorized unit and has no power to move on its own from which a mobile food vendor offers for sale or sells edible goods to the public; or
3. *Mobile food truck*. A self-contained motorized unit from which a mobile food vendor offers for sale or sells edible goods to the public.

Stationary location. The location where the mobile food vendor has obtained written permission from the property owners to sell and dispense edible goods to the public.

(Ordinance 18.06.11B adopted 6/11/18)

4.09.003 Inspections, Permits And Fee

1. A mobile food vendor shall submit a completed application for a mobile food vending permit to the building and planning office and shall complete all required inspections through the fire marshal's office and the Texas State Health Department. A mobile food vending permit shall be required for each individual mobile unit utilized. A mobile food vendor must pay the permit fee established in the City of Glen Rose Fee Schedule at the time of requesting a mobile food vendor permit.
2. A mobile food vendor shall obtain:
    1. A mobile food vending permit issued by the building and planning office;
    2. A food service permit from the Texas Department of Health prior to conducting business in the city;
    3. Inspection from the fire marshal's office must be successfully completed prior to consideration and approval of a mobile food vending permit by the building and planning office;
    4. The mobile food vending permit issued by the building and planning office is not transferable and shall be valid for one (1) year from the date of permit issuance;
    5. A background check for the owner and each employee is also required as part of the permit process. Up to 5 background checks are included in the application fee. Additional background checks will be conducted for an additional $5.00 per applicant; and
    6. Subsequent renewal shall be subject to all the requirements listed above.
3.

Deleted: The application fee for submitting an application for a mobile food vending permit shall be $300.00, said fee to be paid for each unit to be in service.

Formatted

(Ordinance 18.06.11B adopted 6/11/18)

4.09.004 Permitted Locations

Subject to the provisions of this article, mobile food vendors shall be permitted to establish a stationary location and conduct business in the following zoning districts: B-1 (restricted commercial), B-2 (general commercial), B-3 (central business district) with an approved

specific use permit and I (industrial). (Ordinance 18.06.11B adopted 6/11/18; Ordinance 2020.11.25A adopted 11/30/20)

4.09.005 Distance Regulations

1. A mobile food vendor shall not conduct business within any residential zoning district. A mobile food vendor shall not conduct business within two hundred (200) feet of the boundary line of any residential zoning district.
2. A mobile food vendor shall not conduct business within two hundred (200) feet of the primary entrance of an open and operating food service establishment. This distance may be reduced upon receiving written, notarized permission from the owner of said establishment. Mobile food vendor is a mobile food court will follow requirements listed in the mobile food court article.
3. If a new food service establishment opens within two hundred (200) feet of a mobile food vendor as set forth in subsection (b) above, the mobile food vendor must receive written, notarized permission from the new establishment's owner to continue operating at that location.
4. A mobile food vendor shall not locate closer than nine (9) feet to any front property line (adjacent to any street) or any rear property line (adjacent to any alley). The mobile food vendor shall not locate a mobile unit in such a manner or location that obstructs or causes to be obstructed the passage of any sidewalk, street or alley or any other public place, by causing people to congregate at or near the mobile unit.
5. A mobile food vendor shall not locate on any private property without written permission to do so and if told to leave, must comply and leave the property immediately. A copy of the owner's written, signed, and notarized permission to operate in a stationary location shall be kept within the mobile unit for documented verification.

(Ordinance 18.06.11B adopted 6/11/18)

4.09.006 Hours Of Operation

Mobile food vendors shall not operate between 11:00 p.m. and 6:00 a.m. During these prohibited hours of operation, the mobile unit shall be removed from the stationary location and properly stored at its commissary location as required by section 4.09.008 of this article. (Ordinance 18.06.11B adopted 6/11/18)

4.09.007 Mobile Food Vendor Requirements

The following regulations shall apply to mobile food vendors:

1. Mobile food vendor must comply with Chapter 228 of the Texas Administrative Code, and Rule 228.221 Mobile Food Units
2. A mobile food vendor shall comply with all regulation established by the Texas Food Establishment Rules, city code and the fire marshal's office and maintain compliance with all requirements noted in section 4.09.003.

3. Each mobile unit shall be equipped with a portable trash receptacle and the mobile food vendor shall be responsible for proper disposal of solid waste and waste water in compliance with this code.
4. Each mobile unit may have permanently attached signage on the mobile unit and one (1) each sandwich board no larger than 36" tall x 24" wide. Signage shall not be placed in the right-of-way. Signage must be removed when mobile unit is not on location.
5. No loud or disruptive music or narrative shall project from the mobile unit.
6. A mobile unit shall be parked on an all-weather surface when at a stationary location.
7. A mobile unit shall not block any fire lane or drive aisle.
8. No mobile unit may park on a lot without a notarized document from the property owner granting permission to the mobile food vendor to utilize the property for that purpose.
9. A mobile food vendor shall register a commissary location with the building and planning office stating where the unit is to be stored when not in operation.
10. No mobile food vendor shall conduct business in the public right-of-way and shall not block access to any parcel or alley.
11. No mobile unit shall locate in such a manner as to cause any visibility obstruction at a street intersection.
12. It shall be unlawful for any person to operate as a mobile food vendor without complying with the Texas Food Establishment Rules.
13. It shall be unlawful for any mobile food vendor to sell or distribute alcoholic beverages, or allow anyone to consume alcoholic beverages on the premises.
14. A mobile unit shall be inspected by the city's fire marshal's office prior to the issuance of a mobile food vending permit. The inspection shall take place at the fire marshal's office and shall include the following:
    1. A valid driver's license and current Texas Department of Public Safety License plates and state inspection sticker, except for a concession cart which is not required to have license plates or an inspection sticker. The mobile unit must be in good working order.
    2. A mobile unit must have a 2A:10B;C sized extinguisher with an annual inspection tag from a state-licensed inspection company or a receipt indicating purchase within the past year. If frying media (grease) is used, a class K extinguisher shall be required in the mobile unit. Any mobile unit equipped with an automatic extinguishing system shall have a current (biannual) inspection tag from a state-licensed inspection company. All mobile units shall maintain ten (10) feet of clearance for access. Mobile units equipped with an automatic extinguishing system shall maintain ten (10) feet of clearance from combustible structures. Mobile units not equipped with an automatic extinguishing system that produce grease laden vapors shall maintain a fifty (50) foot distance from combustible structures or parked, unattended vehicles.

CITY COUNCIL
AGENDA ACTION FORM

AGENDA DATE:	8/28/2024		
AGENDA SUBJECT:	Chapter 10.06.004 Parkland Dedication & Park Improvement		
PREPARED BY:	Chairperson – Pamela Streeter	**DATE SUBMITTED:**	8/23/2024
EXHIBITS:			

BUDGETARY IMPACT:	**Required Expenditure:**	$00.00
	Amount Budgeted:	$00.00
	Appropriation Required:	$00.00
CITY ADMINISTRATOR APPROVAL:		

SUMMARY:

Review to ensure the language incorporates for individual commercial development and not just subdivision and multifamily development

RECOMMENDED ACTION:

10.06.004 Park Land Dedication And Park Improvements

Park Land Dedication and Park Improvements Required. A developer of any subdivision subject to this ordinance or a site development permit subject to the Composite Zoning Ordinance which includes residential lots, building sites, or multi-family residential site development within the City limits or the City's extra-territorial jurisdiction , that adds any residential units to any subdivision or multi-family residential site development, shall prepare a park plan to provide for sufficient and suitable park land and park improvements for the purpose of public recreation in accordance with the following provisions:

1. **Park Plan Approval Process**. A developer shall prepare a park plan in conformance with the requirements of this Section and obtain approvals from the Appropriate Reviewing Authorities as follows:
    1. If the developer does not propose multi-family development, the developer is required to obtain approval of a park plan in compliance with this Section by the City Council in conjunction with consideration of the Concept Plan application.
    2. If the developer does not propose multi-family development, the developer is required to obtain approval of a park plan in compliance with this Section by the Planning and Zoning Commission in conjunction with consideration of the application
    3. If the developer proposes multi-family development, the developer is required to obtain approval of a park plan in compliance with this Section by the Building and Planning Department in conjunction with consideration of a Site Development Permit application.
2. **Public Park Land Dedication or Payment of Fee In-Lieu Required**
    1. Formula for Calculating Area of Park Land. The acreage of park land to be contributed by a developer prior to Final Plat approval of any single-family or two-family residential subdivision, or prior to site development permit approval for multi-family residential development, shall be equal to three and one-half (3.50) acres for each additional one hundred (100) dwelling units projected to occupy the fully developed subdivision or development. A "dwelling unit", when used in this section, shall mean each individual residence, including each individual residential unit in a multi-family residential structure or manufactured home park, designed or intended for habitation by a single family.
3. **Standards for Dedication of Park Land.** The land dedicated by a developer to meet the requirements of this section shall be suitable for public parks and recreation activities and shall comply with the following standards:
    1. The dedicated land shall form a single parcel or tract of land at least three (3) acres in size unless the Appropriate Reviewing Authorities determine that more than one tract or a smaller tract would be in the public interest.
    2. The developer shall provide public access to park land by providing at least fifty percent (50%) of the perimeter boundary of the park with street frontage, or as determined to be satisfactory by the Appropriate Reviewing Authorities. At the time the land abutting the delineated areas is developed, the developer of such abutting land shall dedicate and construct streets along all abutting street frontage and shall provide water and wastewater utilities to the boundary of one side of the delineated area to meet minimum requirements of this Ordinance.

Deleted: residential

3. The developer shall dedicate park land reasonably located near the geographic center of the development. However, the Appropriate Reviewing Authorities may require park land to be located at the edge of a development so that additional land may be added at such time as adjacent land is developed or acquired for public use in accordance with this ordinance. In addition, rare, unique, endangered, historic or other significant natural areas shall be given high priority for dedication pursuant to this ordinance. The Appropriate Reviewing Authorities may also require areas providing linkage to parks, schools or public places, or areas that preserve the natural character of the surrounding environment, be included in the park land dedication.
4. The developer shall restore and stabilize any disturbed soil and establish vegetative cover of a type determined appropriate for the terrain and by the Building and Planning Department on park land.
5. Developers are responsible for preserving the natural character of the trail corridor and dedicating the required right-of-way. Right-of-way dedication or easement size may vary due to site physical characteristics. If the land exceeds the amount of land required for park land dedication by this section, the remainder of the land not required for dedication shall be shown as a reserve park lot to be purchased by the City, or, the Appropriate Reviewing Authorities may credit the required park improvements fee in an amount equal to the fee in-lieu value (see paragraph 3 below) of the remaining land if such land is dedicated and deeded to the City.
6. Land within the one hundred (100) year floodplain and land that has greater than 15% slope may constitute, in total, not more than fifty percent (50%) of the land dedication requirement. Lands within an inundation easement falling outside of the one hundred (100) year floodplain may constitute up to one hundred percent (100%) of the land dedication requirement if such land remains undisturbed and in a pre-development condition, and if such land is not utilized for another public purpose. In addition, for every acre of land dedicated for park land within the one hundred (100) year floodplain, or having a slope greater than 15%, only one-half (1/2) acre of park land dedication credit shall be given. [Example: If ten acres of park land is required to be dedicated for park land, at least five acres of such park land must be outside the 100 year floodplain and comprised of slopes less than 15%. For the remaining five acres of park land required, the developer can achieve compliance by dedicating five additional acres outside the 100 year floodplain and comprised of slopes less than 15%, or ten additional acres inside the 100 year floodplain and/or comprised of slopes more than 15%, or some combination thereof.]
7. The developer shall dedicate all park land as a park lot on the applicable Final Plat. The developer shall deliver to the City a signed warranty deed transferring title to property dedicated as public park land to the City after City acceptance of park improvements and release of fiscal surety. If the developer fails to deliver the warranty deed in a timely manner, the City may withhold Final Plat approvals and/or the issuance of building permits. The developer shall provide park land free and clear of all mortgages and liens at the time of such dedication or conveyance. The developer shall have iron rods or pins set in accordance with the Final Plat or Short Form Plat. If a subdivision Plat is not required based on the standards of this

78

Ordinance, the developer shall have iron rods or pins set at corners identified on a recordable land survey completed by a land surveyor registered in the State of Texas.

4. **Payment of Fee In-Lieu of Park Land Dedication**. In general, the Appropriate Reviewing Authorities shall favor the dedication of park land over the payment of a fee in-lieu of park land dedication for single-family and two-family subdivisions except for multi-family development unless such Plat or multi-family development contains land identified as park land. However, the Appropriate Reviewing Authority may require a developer to pay a fee in-lieu of park land dedication in accordance with the following:
    1. If the amount of park land required to be dedicated is less than three (3) acres, the Appropriate Reviewing Authority may require a fee in-lieu of land dedication.
    2. Such fee shall be in the amount of $1,050 per dwelling unit.
    3. The developer shall pay the in-lieu fee to the City prior to approval of the Final Plat, Short Form Plat, or, in the case of multi-family development, prior to site development permit approval.
5. **Park Improvements**
    1. In addition to the required dedication of land or fees in-lieu of land dedication as set forth above, the developer shall also pay a park improvements fee to the City prior to approval of a Final, or, in the case of multi-family development, prior to site development permit approval. Such park improvements fee shall be sufficient to provide for the development of amenities and improvements on the dedicated land to meet the standards for a neighborhood park to serve the area in which the subdivision is located. The park improvements fee shall be calculated on the basis of $400 per dwelling unit.
    2. In lieu of payment of the park improvements fee, the Appropriate Reviewing Authorities may approve a plan from the developer to construct park improvements. This plan shall meet the following standards:
        1. All plans and specifications for the construction of such amenities and improvements shall be reviewed and approved by the City.
        2. Amenities and improvements shall include one (1) or more children's play areas, picnic areas, game court areas, turf play fields, swimming pools, recreational buildings, trails (sidewalks, walkways, or bike trails), and landscaped sitting areas.
        3. The value of amenities and improvements shall be greater than or equal to $400 per residential dwelling unit.
        4. All park areas and playground equipment shall be in accordance with the U.S. Consumer Products Safety Commission - Publication 325, as currently amended and in accordance with current provisions of the Americans with Disabilities Act.
        5. These park improvements shall be completed to the satisfaction of the City Building and Planning Department prior to release of fiscal surety or, in the case of a multi- family development, prior to issuance of a certificate of completion or a certificate of occupancy for the project.
    3. These park improvements shall be designed, reviewed and permitted in conjunction with a Site Development Permit application and/or subdivision Construction Plans as deemed appropriate by the City Building and Planning Department.

6. **Privately Owned and Maintained Parks**. The Appropriate Reviewing Authorities may approve a plan from the developer to provide privately owned and maintained park land and park improvements meeting all requirements of this section in-lieu of public park land dedication and public park improvements. However the Appropriate Reviewing Authorities shall not approve a plan for privately owned park land and park improvements if such land is shown in the City Parks, Recreation & Open Space Master Plan as land to meet strategic needs for future parks and/or trails. In addition, such plan shall meet the following:
    1. Private ownership and perpetual maintenance of such areas and facilities shall be adequately provided for by recorded written agreement, conveyance, and/or restrictions.
    2. The use of such areas and facilities shall be restricted to park and recreational purposes by a recorded covenant, which runs with the land in favor of the future owners of property, and which cannot be defeated or eliminated without the consent of the Council.
7. **Alternative Park Land Dedication and Park Improvements Plan**. The Appropriate Reviewing Authorities may approve a plan from the developer for an alternative park land dedication and park improvements plan meeting the following standards.
    1. If all other standards of this section are met, the amount of park land to be dedicated may, if approved by the Appropriate Reviewing Authorities, be reduced, if the reduced value of the land dedication is compensated by an equal or larger increase in the value of park improvements. However, in no case shall the amount of park land dedicated, whether private or public, be less than seventy-five percent (75%) of the amount required by this section. The calculation to convert park land value to additional park improvements shall be determined based on how much fee in-lieu would be required to compensate for the park land deficiency and by adding this dollar amount to the required dollar value of park improvements. For example, If twenty acres is required to be dedicated as park land, and the applicant proposes 16.5 acres there would be a park land deficiency of 3.5 acres. 3.5 acres is equivalent to 100 residential units worth of park land dedication and the fee in lieu of park land dedication is equivalent to $1,050 per unit. Therefore, the amount of park improvements could be increased by $105,000 (100 units times $1,050).
    2. If all other standards of this section are met, the amount of park improvements may, if approved by the Appropriate Reviewing Authorities, be reduced, if the reduced value of such improvements is compensated by an equal or greater increase in the value of park land to be dedicated. The calculation to convert park improvements value to additional park land shall be determined based on reducing the required park improvements dollar value by not more than the fee in-lieu dollar value of the additional park land to be dedicated. For example: If $500,000 worth of park improvements is required, and the applicant proposes $395,000 worth of improvements, this would amount to a $105,000 deficiency in park land improvements. Dividing this number by the fee in lieu value of park land required per unit ($1,050) yields 100 units ($105,000/$1,050 = 100). The park land requirement for 100 units is 3.5 acres. Therefore, and additional 3.5 acres of land could be dedicated in lieu of $105,000 of improvements.

8. **Park Fund Established.** The City hereby creates a separate fund to be entitled "Park Fund." Money, and the interest on such money, collected as a fee in-lieu of park land dedication, and park improvements fees, shall be held in said fund in trust to be used by the City solely and exclusively for the purpose of purchasing, improving, and/or renovating public park and recreational land and shall not be used for maintaining or operating public park facilities. Improvements to public park and recreational land includes public art installations. The Park Fund will contain a category entitled "Park Public Art Fund" where fifteen percent (15%) of fee-in-lieu and park improvements fees, and interest on such money, will be held to be used for public art in public parks and recreational land; provided that the City Council may, from time to time, authorize use of the funds for purchasing parkland or non-public art improvements or renovations when determined necessary in relation to a particular public park project. Such fund shall be invested or held in an interest-bearing account and all earnings and interest shall accrue to the Park Fund.
9. **Subdivision Changes.** In the event a developer obtains Council approval to deviate from the approved Preliminary Plat thereby increasing the number of dwelling units projected, or where the use of property is changed from a non-residential use to a residential use, the owner or developer shall be obligated to provide additional land or fees for the park land and amenities required for the additional dwellings in accordance with this section prior to the City approving the Final Plat for recordation.
10. **Phasing Plan**. If a developer proposes a multi-phased residential subdivision or other residential development, the developer shall submit a proposed park phasing plan to indicate a plan for phasing park land dedication and/or park improvements to coincide with the development phasing. This park phasing plan shall be approved in conjunction with the park plan as provided by this section. A park phasing plan shall include provisions for compliance with the standards of this section for all phases of the development. A phasing plan may propose park land, park improvements and/or fee in-lieu in an early phase of development to fulfill requirements of a later phase of development, but in no case shall a phasing plan propose park land, park improvements and/or fee in-lieu in a later phase of development to fulfill requirements of an earlier phase of development unless the developer provides adequate fiscal surety with the earlier phase of development. Such fiscal surety shall be in a form that shall not expire unless specifically released by the City.
11. **Fiscal Surety.** Except for multi-family development, prior to Final Plat or Short Form Plat approval, the developer shall provide fiscal surety for the completion of all park improvements that comply with this subsection), and the fiscal surety shall be in a form acceptable to the City Administrator and the City Attorney. Unless otherwise approved, such fiscal surety shall be in the form of a letter of credit from a major lending institution, or cash held in escrow. Such fiscal surety shall be held by the City until either the City has accepted all public park improvements and title to the public park land, or the City has approved on final inspection all private park improvements. Such fiscal surety shall be in a form that shall not expire unless specifically released by the City. **PARK LAND DEDICATION AND PARK IMPROVEMENTS OPTION SUMMARY** (The Appropriate Reviewing Authorities shall determine which option is acceptable.) **Option 1. Land Dedication + Park Improvements Fee** 3.50 acres per 100 dwelling units + Park Improvements Fee ($400 per dwelling unit) **Option 2. Land Dedication + Park Improvements** 3.50 acres per 100 dwelling units + Park Improvements (A minimum of $400 per dwelling unit must be spent on park improvements that meet City specifications)

Option 3. Fee-in-Lieu of Land Dedication $1,050 per dwelling unit + Park Improvements Fee ($400 per dwelling unit) **Option 4. Privately Owned and Maintained Parks** Private park land and park improvements meeting the standards of this Section. **Option 5. Alternative Park Land Dedication and Park Improvements Plan** A customized plan that may include combinations of all other options.

CITY COUNCIL
AGENDA ACTION FORM

AGENDA DATE:	8/28/24		
AGENDA SUBJECT:	Chapter 10 – Update Name to Development & Subdivision Regulations Article 10.06 – Development & Subdiivision Standards		
PREPARED BY:	Chairperson – Pamela Streeter	**DATE SUBMITTED:**	8/23/2024
EXHIBITS:			

BUDGETARY IMPACT:	**Required Expenditure:**	$00.00
	Amount Budgeted:	$00.00
	Appropriation Required:	$00.00
CITY ADMINISTRATOR APPROVAL:		

SUMMARY:

To cause less confusion for developers reviewing ordinances, name them broader than the current title implies.

Chapter 10 is current Subdivision Regulation – but actually incorporates development outside of residential includes single plat commercial, etc. Update Names to reflect the material included

RECOMMENDED ACTION:

CITY COUNCIL
AGENDA ACTION FORM

AGENDA DATE:	8/28/24		
AGENDA SUBJECT:	Zoning Chapter 14.01		
PREPARED BY:	Chairperson – Pamela Streeter	**DATE SUBMITTED:**	8/23/2024
EXHIBITS:			

BUDGETARY IMPACT:	**Required Expenditure:**	$00.00
	Amount Budgeted:	$00.00
	Appropriation Required:	$00.00
CITY ADMINISTRATOR APPROVAL:		

SUMMARY:
Updating Zoning Details to include the District Overlay for Downtown

RECOMMENDED ACTION:

14.02.057 Downtown Overlay District (DTO)

(a). Downtown Overlay District: The Downtown District is intended to preserve and enhance a business district rich in heritage, historic architecture, business activity, tourist activity, and significance as both a destination and a connector. It further aims to guide the Downtown District's development into an area that serves existing and future business and property owners; both Glen Rose residents and visitors; and other vehicular and pedestrian travelers.

(b). District Confines. The confines of the Downtown Overlay District shall be defined as follows:

Beginning at the end of Hereford St where dead ends to the Paluxy River and heading Wes to the intersection of SW Vine and Hereford. Turning Right onto SW Vine St and heading NW to the intersection at Cedar St. Turning left and following the vacated Cedar St until it dead ends and then turning right (NW) and following the property lines until the corner of Hill St & Jackson St intersect. Turning east to the intersection of NE Vernon St and W Mustang St. Thence, turning NW along Vernon St. to bend in the road and turn into Live Oak St. Following east along the property line, approx. 300 ft past Barnard St and then turning South and following property lines to Cottonwood Dr where the boundary then turns East to the Intersection of Grace St and follows West to the intersection of Grace St and Walnut St. The boundary then turns East to the Paluxy River and follows the Paluxy River to where Hereford St Starts. See Map

Application:

(a) The DTO District standards apply to the following:
   a. Development of any land for which there is not improvement at the time of construction.
   b. An increase in any existing structure that is equal to or greater than fifty (50) percent of the existing square footage; or
   c. Any new construction on a lot that provides for an increase that is equal to or greater than fifty (50) of the lot or tract that is covered by a permanent structure(s).

(b) Unless otherwise specified by this section, the base district shall apply. Where there is a conflict between the standards of this subsection shall apply.

Special Requirements:

(A) Orientation and scale of primary structures:
   a. Primary Orientation: Buildings shall have their primary orientation toward a public street. Said primary orientation shall include a main or primary entrance that shall be designed to be attractive and functional, unless otherwise approved by the city council after recommendations by the planning and zoning commission.
   b. Primary Entrances: Primary entrances shall have a clearly defined, highly visible customer entrance with distinguishing features such as a canopy, portico, or other prominent element of architectural design.

(B) Building Design Specifications

a. Awnings may encroach over the sidewalk to within four feed of the curb depending on the proximity to features such as traffic signals, lampposts, and street trees and must clear the sidewalk vertically by a minimum of eight (8) feet, subject to approval from building official.

b. *Boarded-up windows.* Boarded-up windows on the first floor of a building façade that fronts on a street are prohibited, except as follows:

   i. Buildings that have been determined to be unrepairable and tagged accordingly by inspection services.

   ii. Time of compliance:

      1. Existing buildings with boarded-up windows on the first floor will have six months from the effective date of this division to comply with the regulations herein.

      2. Existing buildings with boarded-up windows along Elm Avenue and Bridge Street will have 24 months from the effective date of this division to comply with the regulations herein.

      3. Nothing in this section shall preempt enforcement of any city ordinance or state law with respect to the regulation of unsafe structures.

c. *Building height.*

   i. The minimum height for a one-story building shall be____ feet.

   ii. The maximum height for a building on an infill lot shall be no more than one story above the tallest building on the block-face.

   iii. The interior height of the first floor of a commercial use structure shall be a minimum of 12 feet from finished floor to finished ceiling for any new buildings and/or buildings undergoing substantial renovation.

   iv. *Building set back.*

      1. The build-to-line shall be zero for 80 percent of the width of the building's façade on a front street and for 30 percent of a building's façade on a side street. Exceptions to this requirement may be permitted where angle parking adjoining the street is constructed on private property, subject to the approval of the directors of planning and engineering services.

      2. Structures on an infill lot shall match the build-to-line of the existing adjacent building that is built closest to the property line.

   v. *Building width.* The maximum building width for an infill lot shall be no wider that the widest existing building on the block-face, except in circumstances where the enforcement of this provision may result in the creation of unusable land parcels.

   vi. *Loading and service entries.* Loading and service entries may not face the street for any new buildings and/or buildings undergoing substantial renovation.

168

vii. *Metal buildings.* Pre-engineered metal buildings shall not be permitted.

viii. *Private frontage.* Private frontage may be in the form of a terrace or dooryard, forecourt, stoop, shopfront and awning, gallery or arcade.

d. Sidewalks shall be a minimum of eight feet in width or the width of the adjacent existing sidewalk if the width is greater than eight feet.

e. Street lighting shall be designed to be sensitive to "dark sky" principles to protect and preserve the nighttime environment through the use of outdoor lighting fixtures that minimize light pollution.

f. Fencing

i. The use of chain link fences is prohibited.

ii. The use of barbed wire and/or razor wire fencing is prohibited.

CITY COUNCIL
AGENDA ACTION FORM

AGENDA DATE:	8/29/24		
AGENDA SUBJECT:	Chapter 14.04 Downtown District Overlay Structure		
PREPARED BY:	Chairperson – Pamela Streeter	**DATE SUBMITTED:**	8/23/2024
EXHIBITS:			

BUDGETARY IMPACT:	**Required Expenditure:**	$00.00
	Amount Budgeted:	$00.00
	Appropriation Required:	$00.00
CITY ADMINISTRATOR APPROVAL:		

SUMMARY:
Set the District Confines and Special Requirements

RECOMMENDED ACTION:

CITY COUNCIL
AGENDA ACTION FORM

AGENDA DATE:	P		
AGENDA SUBJECT:	Chapter 14.04 District Overlay Permission		
PREPARED BY:	Chairperson – Pamela Streeter	**DATE SUBMITTED:**	8/23/2024
EXHIBITS:			

BUDGETARY IMPACT:	**Required Expenditure:**	$00.00
	Amount Budgeted:	$00.00
	Appropriation Required:	$00.00
CITY ADMINISTRATOR APPROVAL:		

SUMMARY:
Create procedures for creating an overlay district

RECOMMENDED ACTION:

99

Article 14.04 Overlay Districts

14.04-1 Definition
14.04 -2Purpose
14.04 - 3Establishment & Designation

Definition:
An overlay district is a "Transparent" zoning district that lies over an existing zoning district used to implement additional development standards or places restrictions beyond those required by the existing or base zoning district. The overlay district generally outlines uniform standards within the established boundary to ensure higher quality of development.

Purpose:
The purpose of creating overlay districts is to set and coordinate special development standards to a specific area that has unique value to the City and that are designed to provide a distinctive character, charm, and atmosphere to the designated area. Overlay districts are appropriate instruments to implement the long-term goals and objectives of the adopted Comprehensive Plan and are primarily intended to be used when special circumstances justify the modification of base or existing zoning district regulations to achieve those specific design objectives that do not coincide with traditional zoning districts.

Establishment & Designation

a) Overlay districts shall be established through the rezoning process as outlined in Chapter 211 of the Texas Local Government Code and Sections 1.03 and 1.41 – 146 and only in conjunction with base zoning districts.
b) An overlay district may cover parts of several zoning districts or only a portion of an existing or base zoning district.
c) The existing or base zoning district shall maintain standard permitted land uses and development regulations. The overlay district may further restrict development standards and/or land uses suitable to the purpose and protection of the overlay district.
    a. Development standards that may be regulated in an overlay district are: lot size, accessory buildings, building height and area, architectural design & materials, landscaping, storage/loading areas, parking, lighting, signage, access points, development review procedures, land uses, or any other restrictions that meet the overlay district's purpose.
    b. Land uses may be more restrictive than the base or existing zoning district allows, but not less restrictive.
d) When an overlay district is established, any subsequent application to change the existing or base zoning district shall not be construed to be an application to eliminate the overlay district for the property covered by the application. Any intent to eliminate the overlay district on a given property shall be expressly state to be part of the application.

e) In cases where there is a conflict between the requirements of an overlay district, the overlay district restrictions shall apply.
f) When an applicant seeks to vary from the requirements of the overlay district, they shall apply to the Zoning Board of Adjustment for a variance just as they would if they were varying from the requirements of the base or existing zoning district.
g) Overlay districts are adopted the same as any other zoning amendment. When a text amendment is made creating the regulations for the overlay district, a map amendment shall also be adopted to establish the boundaries of each overlay district.

CITY COUNCIL
AGENDA ACTION FORM

AGENDA DATE:	8/28/2024		
AGENDA SUBJECT:	Appendix A		
PREPARED BY:	Chairperson – Pamela Streeter	**DATE SUBMITTED:**	8/23/2024
EXHIBITS:			
BUDGETARY IMPACT:	**Required Expenditure:**	$00.00	
	Amount Budgeted:	$00.00	
	Appropriation Required:	$00.00	
CITY ADMINISTRATOR APPROVAL:			

SUMMARY:
Updates to incorporate the Downtown District overlay as well as some updates in B1, B2P

RECOMMENDED ACTION:

85

1) Accessory, Utility, Government, Institutional and Incidental Uses						
	B-1	B-2	B-3	Downtown Overlay	I	P&R
Ambulance dispatch station	X	X	X	X		
Cable TV lines	X	X	X	X	X	
Electrical generating plant / substations	S	S			S	
Funeral homes and mortuaries		X			X	
Gas line (6 in. or larger)	S	S	S	S	X	
Gas regulating / gate station	S	S	S	S	X	
Local utility line or utility distribution line, telephone exchange (no garage or shop)	X	X	X	X	X	
Microwave tower / telecommunication antenna / telecommunication tower and stealth telecommunication tower	S	S			X	
Non-commercial institutions (non-profit)	X	X				
Public building (shop or yard)		X			X	
Racing: Animal, automotive, other					X	
Radio and/or television tower	S	S	S	S	S	
Radio transmitting station	S	S			X	
Railroad freight terminal					X	
Railroad team truck					X	
Railroad track or right-of-way					X	
Railroad yard					X	
Recycling collection facility					X	
Refuse transfer station					S	
School (elementary or middle)	X	X		S	X	
School (high school)	X	X		S	X	
School (nursery or kindergarten)	X	X		S	X	
School (trade or business)		X	X	S	X	
Sewage treatment plant					S	
Telephone exchange, local utility line, or utility distribution lines (no garage or shop)	S	S	S	S	S	
Telephone poles and/or lines	X	X	X	S	X	
Temporary construction office	X	X	S	S	X	
Utility business office	X	X			X	
Utility mains and/or lines	X	X	X	X	X	
Utility shop or yard		X			X	
Utility substation or regulation station		S			X	
Water pump station	S	S			S	
Water storage tank	X	X			X	
Water treatment plant	S	S			S	
Water well	S	S	S	S	S	
2) Agricultural and Related Uses						
	B-1	B-2	B3	Downtown Overlay	I	P&R
Community garden	X	X			X	X
Fairgrounds, rodeo, or arena	S	S			X	
Farm implement sales		X			X	
Hatchery (poultry), egg farm, feed lot					X	
Livestock auction					X	
Ranch, farm, orchard, or truck garden	S	X			X	

Stable, commercial					X		
Stable, private					X		
Stockyards or slaughterhouse					X		
Vineyard					X		
Wildlife area	X	X			X		
3) Alcohol Sales (See Article 4.02 for additional information)							
	B-1	B-2	B-3	Downtown Overlay	I	P&R	
Distribution - General Class B Distributor					X		
Distribution - General Distributor					X		
Distribution - Wholesaler					X		
Manufacturing - Brewer		S			X		
Manufacturing - Distiller and Rectifier		S			X		
Manufacturing - Winery		S			X		
Other - Bonded Warehouse					X		
Other - Brewpub	X	X	S (5)(9)	S (5)(9)	X		
Other - Manufacturer's Agent's Warehousing					X		
Private Club	X	X	X (5)(9)	X (5)(9)	X		
Private Club - Exemption Certificate	X	X	X (5)(9)	X (5)(9)	X		
Private Club - Malt and Wine	X	X	X (5)(9)	X (5)(9)	X		
Retail - Mixed Beverage - On Premise	X	X	X (5)(9)	X (5)(9)	X		
Retail - Package Store		X			X		
Retail - Retail Dealer's Off Premise		X			X		
Retail - Retail Dealer's On Premise	X	X	X (5)(9)	X (5)(9)	X		
Retail - Wine and Malt Beverage Retailer - Off Premise Only	X	X			X		REMOVED B3 OFF PREMISE SALES ONLY
Retail - Wine and Malt Beverage Retailer - On and Off Premise		X		X (5) (9)	X		
Retail - Wine Only Package Store		X			X		
4) Commercial Type, Retail, and Service Uses							
	B-1	B-2	B-3	Downtown Overlay	I	P&R	
Art gallery	**X**	**X**	**X (5)**	**S**	**X**		**MOVE FROM SECTION 1**
Animal shelter		X			X		
Auction house		X			X		
Bakery (wholesale or commercial)							
Bakery or confectionary (retail)	X	X	X(5)	S	X		
Boat sales		X			X		
Boat storage		X			X		
Building material sales, lumber yard, or monument sales							
Business office	X	X	S	S	X		B3 BUSINESS OFFICE IS SUPPOSED TO BE S

Christmas tree sales	X	X	X(5)	S	X	
Cigar bar / smoking room	X	X	X	S	X	
Employment agency		X			X	
Event center / rental hall	S	X		S	X	
Exterminator		X			X	
Farmers market, produce stand	X	X	X(5)	X(5)	X	
Feed store (no animal sales)		X			X	
Feed store (with animal sales)		X			X	
Firewood sales	X	X			X	
Flea market - inside		S	S(5)	S(5)	X	
Flea market - outside		S			S	
Florist shop	X	X	X(5)	X(5)		
Furrier		X			X	
Game hall		S			X	
Grease trap and drain vacuum service					S	
Gun shooting range - indoor					X	
Gunsmith shop		X			X	
Heating A/C sales and service		X			X	
Heavy equipment sales		X			X	
Heavy machinery sales and storage					X	
Hotel. motel, or inn		X			X	
Landscaping services	X	S			X	
Lawnmower, lawn equipment, small motors sale and service	S	X			X	
Licensed massage therapy	X	X	X	S(5)	X	
Lithographic shop		X			X	
Locksmith shop		X			X	
Manufactured home sales lot, mobile home sales and display		X			X	
Massage establishment	S	S			S	
Meat market		X	X	S(5)	X	
Mimeograph or letter shop	X	X			X	
Mobile food vendor	X	X	S	S	X	
Musical instruction store	X	X				
Musical instrument store	X	X	S(5)	S(5)		
Newspaper office	X	X	X*	X*		
Nightclub or dance hall	S	X	S	S	X	
Optical dispensary store	X	X				
Pawnshops					X	Removed from B2
Personal services - spa, tanning, massage therapy, permanent	X -7	X -7	X (7)(5)	S(5)	X -7	
Pet grooming shop	X	X			X	
Pet shop	X	X				
Plant nurseries		X			X	
Plumbing sales and service		X			X	
Pool or billiard hall	S	X			X	
Portable building or shed sales lot		X			X	
Print shop	X	X	X	S(5)	X	

Professional office - field office or real estate sales office	X	X			X		
Professional office - insurance, lawyer, title company, abstract office, business office	X	X					
Professional office - medical, dental, science, clinic	X	X					
Professional office - general	X	X					
Psychic / paranormal readings	S	S			S		
Radio or television broadcast studio	X	X			X		
Recreational vehicle storage					X		REMOVED FROM B2
Resort						X	
Restaurant - kiosk*	X	X	X(8)	S	X		
Restaurant or cafe - inside dining	X	X	X(5)	S	X		
Restaurant or cafeteria - carryout only	X	X	X(5)	S	X		
Restaurant or cafeteria - drive-in or drive-thru service	X	X			X		
Shop, large retail - Furniture		S			S		
Shop, large retail - Groceries		S			S		
Shop, large retail - Pet store, kennel, animal boarding (outside runs)		S			S		
Shop, large retail - Other - 11,999 gfa or less		X (12)			S		
Shop, large retail - other - 12,000 gfa or greater		S			S		
Shop, small - bait shop	X	X			X		
Shop, small - butcher	X	X	S(5)		X		
Shop, small - hardware - paint, plumbing, and related sales	X (Size Lim	X	S(5)	S(5)	X		
Shop, small - jewelry	X	X	X(5)	S	X		
Shop, small - laundry or dry cleaning	X	X			X		
Shop, small retail - antiques, art	X	X	X(5)	S	X		
Shop, small retail - appliance repair		X			X		
Shop, small retail - bicycle sales and repair	X	X	X(5)	S			
Shop, small retail - dry cleaning, laundry, pressing	X	X			X		
Shop, small retail - florist or plant center	X	X	X (5)	S	X		
Shop, small retail - framing, art	X	X			X		
Shop, small retail - groceries	X (Size Li	X		S	X		
Shop, small retail - handcrafted furniture	X		X (5)	S			
Shop, small retail - homegoods rental store	X	X			X		
Shop, small retail - leather goods, tack	X	X	X (5)	S(5)	X		
Shop, small retail - pet store, kennel, animal boarding (no outside runs)	X	X			X		
Shop, small retail - seamstress, tailor	X	X			X		
Shop, small retail - sign shop	X	X			X		
Shop, small retail - smoke, tobacco, vape	X	X			X		
Shop, small retail - sporting goods	X	X	X (5) (Siz	S(5) Size Limit	X		
Shop, small retail - thrift store, second-hand, consignment	X	X	X (5)	S(5)	X		
Shop, small retail - tool or equipment rental		X			X		
Shop, small retail - video	X	X			X		

Shopping center or mall			S	S		
Snow cone Kiosk	X	X	X(5)	S		
Store, large retail - all types		S			S	
Store, small retail - appliance		X			X	
Store, small retail - art supply, office supply, newsstand, books, camera	X	X	X(5)	S(5)	X	
Store, small retail - audio, TV, electronics, computers		X			X	
Store, small retail - carpet, flooring		X			X	
Store, small retail - clothing, apparel, shoes, accessories	X	X	X(5)	S(5)	X	
Store, small retail - department or discount	X	X	X(5) (Size	S	X	
Store, small retail - drug store or pharmacy	X	X	X(5) (Size	S	X	
Store, small retail - general store or convenience store	X	X	S	S	X	
Store, small retail - gift or novelty shop	X	X	X	s	X	
Store. small retail - hobby	X	X	X (Size Lim	s	X	
Store, small retail - other	X	X	S (5)	s	X	
Studio, small retail - photography, recording, music, art, health, etc.	X	X	S (5)	s	X	
Tattoo or body piercing parlor		S (6)			S (6)	
Taxidermist		X			X	
Travel agent	X	X			X	
Upholstery shop					X	
Veterinarian (no outside runs)	X	X			X	
Veterinarian (outside runs)		X			X	
Veterinary hospital	X	X			X	
Washeteria	X	X			X	
*Newspaper office - for B-3 must be open to public / community hub				s		
*Restaurant - kiosk - temporary (2 week limit)						
5) Educational and Institutional Uses						
	B-1	B-2	B-3	Downtown Overlay	I	P&R
Assisted living facility, nursing home, rest home	S	X				
Automated teller machines (ATMs)	X	X	S(5)	S		
Bank or financial institution	X	X		S	X	
Cemetery or mausoleum					S	
Child care center or facility	X	X		S	X	
Church, rectory, or other places of worship, including church operated day-care facilities and preschools	X	X	S (5)	S	X	
College, university, or professional schools		X		S	X	
Community center	X	X	S (5)	S	X	X
Daycare, commercial	X	X			X	
Drug and alcohol rehabilitation center	S (4)	S (4)			S (4)	
Fire station	X	X			X	X
Food bank	S	X	S (5)		X	
Government facilities or offices	X	X	X (5)	x	X	
Halfway house		S (4)			X (4)	
Hospital		X			X	

Laboratories (medical, dental, science)					X	
Material recycling center					X	
Museum, library, historic sites, art gallery (public), and other similar	X	X	X (5)	x		
Police Station	X	X	X (5)	x	X	S
Post office	X	X			X	
Prison, jail, or other correctional institution					S	
Probation or parole office					X	
Religious camp		X				X
6). Industrial and Manufacturing Uses						
	B-1	B-2	B-3	Downtown Overlay	I	P&R
Ammonia manufacturing					S	
Apparel, games, and textile manufacturing					X	
Appliance manufacturing					X	
Artificial limb manufacturing					X	
Asphalt batching plant					S	
Bakery, wholesale or commercial		X			X	
Bleach manufacturing					S	
Bookbinding and publishing		S			X	
Bottling plant		S			X	
Box manufacturing					X	
Brewery					X	
Brick and tile manufacturing					X	
Cabinet shop					S	
Canning operation					X	
Carpentry shop					X	
Carpet manufacturing					X	
Chemical storage or manufacturing					S	
Chlorine manufacturing					S	
Cleaning plant (laundry)					X	
Cold storage plant					X	
Concrete batching plant		S			X	
Concrete product casting plant					X	
Creosote manufacturing					S	
Distillation plant					S	
Distribution center - large					X	
Distribution center - small		X			X	
Dyeing plant					X	
Electrical components manufacturing					X	
Electroplating					X	
Envelope manufacturing					X	
Fertilizer manufacturing					S	
Fiberglass manufacturing					X	
Fireworks manufacturing					S	
Food processing					X	
Foundry					S	
Freight terminal, motor					X	
Freight terminal, train					X	
Furniture manufacturing					X	
Garment manufacturing					X	
Glass manufacturing					X	
Glue manufacturing					S	
Granary or gin					X	
Gypsum manufacturing					S	
Ice or ice cream plant, creamery					X	

92

Incinerators		S			X	
Insecticide, pesticide processing					S	
Junkyard, salvage yard					S	
Light fabricator plant					X	
Machine shop					X	
Marble manufacturing					X	
Mattress manufacturing					X	
Meat processing plant					S	
Metal casting, foundry, or fabrication plat					X	
Metal stamping, dyeing, shearing, or punching					X	
Mobile collection and redemption center					X	
Newspaper distribution center					X	
Packaging operation					X	
Paint manufacturing					S	
Pallet manufacturing					X	
Paper mill					S	
Paper products manufacturing					S	
Pesticide processing					S	
Petroleum products, wholesale					S	
Petroleum refinery or storage					S	
Pharmaceutical manufacturing					S	
Planing mill					S	
Plastic product manufacturing					S	
Pottery manufacturing					X	
Poultry processing plant					S	
Print center, commercial					X	
Rendering plant					S	
Rental store	X	X			X	
Rock crushing plat					S	
Salvage yard					S	
Sheet metal shop					X	
Smelter plant					S	
Storage, non-accessory, outside					X	
Tanning plant					S	
Television transmitting station	S	S	S (5)		X	
Textile and apparel manufacturing					X	
Tire manufacturing					S	
Underground bulk storage					S	
Vehicle conversion facility					S	
Warehouse		S			X	
Welding shop					X	
Wholesale establishments					X	
7) Recreational and Entertainment						
	B-1	B-2	B-3	Downtown Overlay	I	P&R
Amusement, commercial (indoor)	X Size Limit	X				
Amusement, commercial (outdoor)		X			X	
Arcade	X Size Limit	X	X (5) Size Limit		X	
Athletic field or stadium	S	X			X	
Athletic fitness club	X Size Limit	X	S Size Limit		X	
Bowling alley		X	S (5) Size Limit			Removed from B3
Carnival or circus	S	S				
Go-cart track		X				S

Golf, driving range		S			X		
Golf, miniature	S	X				S	
Golf course, private	S	S				S	
Golf course, public	S	S				S	
Movie theater, indoor	X	X	S (5)	S	X		
Movie theater, outdoor		S					
Nature preserves	X	X				X	
Park or playground, public	X	X	X (5)	X		X	
Pickleball, racquetball, tennis court (private)	X	X					
Pickleball, racquetball, tennis court (public)	X	X					
Playfield or stadium, public	S	X					
Recreational area, private						X	Removed from B1 & B2
Recreational area, public	X	X				X	
Sexually oriented business					S		
Skating rink		X					
Swimming pool or hot tub, public	X	X					
Swimming pool or hot tub, private	X	X				X	
Youth camps		S					
8) Residential							
	B-1	B-2	B-3	Downtown Overlay	I	P&R	
Accessory building or use	X	X	S (5)				
Apartment or multi-family building	X	X					
Bed and breakfast accommodations (residential home)	X	X					
Boarding house, rooming house							
Cabins						X	
Child day care (home)							
Condominium	X	X					
Dormitories		X					
Four-family dwelling		X					
Group day care home							
Group home, community home							
Guest house or quarters							
Home occupation, home-based business							
Independent living facility, retirement community	S	X					
Industrialized housing							
Manufactured home							
Manufactured home park							
Private street development						X	
Retirement center		X					
Shipping containers for residential use							

94

Short-term rental (AirBnb, VRBO, etc.)				S		
Single-family dwelling	1	1			1	
Two-family dwelling						
Three-family dwelling						
Townhouse						
Trailer camp or park		X				X
9). Transportation, Automobile, and Related Uses						
	B-1	B-2	B-3	Downtown Overlay	I	P&R
Airport of landing field, heliport, aircraft hangar		S			S	
Auto or motorcycle sales lot		S			X	
Auto inspection station		X			X	
Auto paint and body shop		X			X	
Auto parts sales (indoor)		X				
Auto rental		X			X	
Auto repair garage		X			X	
Automobile, trailer, light truck, tool rental		X			X	
Bus stop	X	X	X	X	X	
Bus terminal					X	
Bus or truck parking or storage					X	
Car wash	X	X			X	
Garage or lot, parking (commercial)	X	X	S	s	X	
Garage or lot, parking (private)	X	X	S	s	X	
Garage or lot, parking (public)	X	X	S	s	X	
Motor freight terminal					S	
Recreational vehicle sales					X	Remvoed from B2
Service station or motor vehicle fuel sales	X	X			X	
Taxi or shuttle service business office with parking		X			X	
Tire recapping					X	
Tire sales and repair		X			X	
Truck driving school					X	
Truck fueling station		X			X	
Truck sales, storage or repair					X	
Truck stop		X			X	
Truck wash		X			X	
Notes to schedule of uses:						
1) Allowed with mini-warehouse use						

95

2) Home occupations are permitted when in accordance with section 14.02.103. Home occupations not specifically permitted in section 14.02.103 may be permitted only with a specific use permit. Home occupations do not allow for customer visitations or 2 or more employees working from the home.
3) Allowed for a period of one year or until the development is sold out, whichever is longer.
4) Not allowed in the confines of the Glen Rose Historic District or within 500 feet of any historical property, school, park, or day care facility.
5) Residential living quarters are allowed as a mixed use within the same building as the commercial use provided it represents no more than 50% of the total floor area of the development and must not be storefront or first floor (if a second floor is available). This is for business owners or business managers residence only. No parking of recreational vehicles of any kind will be authorized. Up to two (2) personal transportation vehicles will be allowed in the existing downtown parking.
6) Residential living quarters are allowed as mixed use in a different building if the property has more than 3 building on premise and is over 3 acres in total plat. This is for business owner's or business manager's residence only. This residence may not be rented to any persons not affiliated as management in the business.
7) Allowed only within a beauty salon / spa (full service) providing a minimum of two (2) of the service categories listed under its definition, for a minimum total of three (3) services.
8) Kiosk is permitted for a limited time period, not to exceed 30 days, with property owner permission. This is for walk-up traffic only and drive thru is not permitted. All state, city, county health, fire, safety regulations must be met along with all permits required.
9) The sale of alcoholic beverages is prohibited within 300 feet of any church, public or private school, or public hospital (Chapter 4.02.02 Alcoholic Beverages)

10) Recreational Vehicle Storage is permitted on private single family home lots for an unlimited amount of time. This is for storage purposes only and may not be connected to sewer or water lines or in use for housing for any length of time while in storage. It is recommended that the RV be stored on a non-porous surface. Street parking of recreational vehicles is only permitted for loading and unloading for a period not to exceed 48 hours provided that the flow of traffic is not impeded by the vehicle.
11) Private Street Development may occur in community developments that request it with their preliminary and final plats and must be approved by City Council. The development must maintain reserves to provide all utility and street maintenance required, no city funds will be available for street or utility repairs. The city retains the right to provide law enforcement within the community.
12) Any commercial retail business over 12,000 gfa will require a Special Use Permit; commercial retail businesses of any type 11,999 gfa or less are permitted in B-2 without a special use permit.

97

CITY COUNCIL
AGENDA ACTION FORM

AGENDA DATE:	8/28/24		
AGENDA SUBJECT:	Outside Sales & Storage = Chapter 4.06		
PREPARED BY:	Chairperson – Pamela Streeter	**DATE SUBMITTED:**	8/23/2024
EXHIBITS:			

BUDGETARY IMPACT:	**Required Expenditure:**	$00.00
	Amount Budgeted:	$00.00
	Appropriation Required:	$00.00
CITY ADMINISTRATOR APPROVAL:		

SUMMARY:
Updating Zoning Details to include the District Overlay for Downtown

RECOMMENDED ACTION:

ARTICLE 4.06 OUTSIDE SALES AND STORAGE

4.06.001 Penalty
4.06.002 Permanent Structure Required
4.06.003 Exceptions
4.06.004 Prohibited On Public Property

4.06.001 Penalty

Any person who violates any provision of this article shall be subject to the terms of section 1.01.009. (Ordinance 520 adopted 8/12/13; 2007 Code, sec. 113.99(A))

4.06.002 Permanent Structure Required

It shall be unlawful for any person to store, display, sell, lease, rent, barter or exchange any goods, wares, merchandise or service on a commercial, retail basis, or to offer to do so, except within a permanent structure complying with all construction codes, ordinances and regulations of the city applicable thereto, including but not limited to parking and fence requirements. (1990 Code, ch. 4, sec. 7; Ordinance 233 adopted 4/10/90; Ordinance 520 adopted 8/12/13; 2007 Code, sec. 113.20)

4.06.003 Exceptions

This article is not applicable to the following:

1. Transient merchants, junk dealers and street vendors as defined and regulated by other provisions of this code;
2. Garage sales, charitable, religious, educational, fraternal, governmental or nonprofit organizations, or similar organizations regulated and/or permitted by other provisions of this code;
3. A display of merchandise may be displayed outside with the following restrictions:
    1. No racks of multiple items that cause a consumer to "search" for a single item on display rack may be used.
    2. A Single item that showcases the business may be presented outside but cannot be placed more than twenty-four" *24) from the external wall of the building
    3. All decorative items including the "Showcase" items may not take up more than 25% of the linear feet of the façade of the building per side. The exception to this is tables and chairs or benches for establishments that sell food and beverage as a primary purpose of their establishment.
4. A "sidewalk" sale held by a business operating out of a permanent structure, provided no such sale shall be held more often than once per month, and that no such sale shall exceed 3 days in duration, and further provided that only new merchandise regularly sold by the business shall be offered for sale outside the permanent structure;
5. Outside sales and storage necessary and incidental to the operation out of permanent structures of automobile dealers and service stations, mobile home and recreational vehicle sales lots, farm machinery dealers, nurseries, drive-in restaurants and building material dealers; or

Formatted

113

6. Newsracks and vending machines maintained on the premises of a business operating out of a permanent structure.

(1990 Code, ch. 4, sec. 7; Ordinance 233 adopted 4/10/90; Ordinance 520 adopted 8/12/13; 2007 Code, sec. 113.21)

4.06.004 Prohibited On Public Property

1. It shall be unlawful for any person to store, display, sell, lease, rent, barter or exchange goods, wares, merchandise or services on a commercial retail basis, or to engage in any other commercial activity, or to offer to do so, from, out of, or upon public property, roadways or rights-of-way.
2. The terms and provisions of this division shall not be applicable to the following:
    1. Permittees or licensees granted permission under other provisions of this code to operate upon that public property; or
    2. Newsracks, provided that:
        1. The racks shall be no larger than 6 feet high by 4 feet wide by 2 feet deep;
        2. The racks shall be kept and maintained in a clean, attractive and good operating condition; and
        3. The racks shall not be placed in a location or in such a way that causes or could cause interference with vehicle traffic or pedestrian walkways or with the ingress or egress of persons to or from a building.

(1990 Code, ch. 4, sec. 7; Ordinance 233 adopted 4/10/90; Ordinance 520 adopted 8/12/13; 2007 Code, sec. 113.22)

CITY COUNCIL
AGENDA ACTION FORM

AGENDA DATE:	8/29/24		
AGENDA SUBJECT:	Chapter 14.02.106 Specific Use Permits		
PREPARED BY:	Chairperson – Pamela Streeter	**DATE SUBMITTED:**	8/23/2024
EXHIBITS:			

BUDGETARY IMPACT:	**Required Expenditure:**	$00.00
	Amount Budgeted:	$00.00
	Appropriation Required:	$00.00
CITY ADMINISTRATOR APPROVAL:		

SUMMARY:
Update per state law that SUP follow owners not properties except in specific commercial cases

RECOMMENDED ACTION:

REPLACE 14.02.102 – Specific Use Permits

1) Standards: The SUP provides a means for developing certain uses in a way the specific use will be compatible with adjacent property and consistent with the character of the neighborhood.

2) SUP is granted to the ownership of each real property. Any change in ownership may result in a SUP no longer being valid. See paragraph 12 for exceptions.

3) The use regulations for each use in Division 14.02, Appendix A state whether an SUP is required for a use to be permitted in a zoning district. The SUP requirement for use in a zoning district does not constitute authorization or assurance that the use will be permitted. Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriately. Each SUP must be granted by the city council by a separate ordinance.

   A. The city council shall not grant an SUP for use except upon a finding that the use will:
      i) complement or be compatible with the surrounding uses and community facilities.
      ii) contribute to, enhance, or promote the welfare of the area of request and adjacent properties.
      iii) not be detrimental to the public health, safety, or general welfare; and
      iv) conform in all other respects to all zoning regulations and standards.
   B. The granting of an SUP has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
   C. The city council may impose reasonable conditions upon the granting of an SUP consistent with the purposes stated in this chapter.
   D. The applicant shall post the SUP ordinance in a conspicuous place on the property, except where a use has no interior building space (for example, a private street or alley use).

4) Specific use permit procedure.
   A. An applicant for an SUP shall comply with the zoning amendment procedure for a change in zoning district classification. Each SUP ordinance is incorporated by reference into this chapter.
   B. At the time of applying for an SUP, the applicant shall submit:
      i). a site plan that includes:
         (a) the dimensions, bearings, and street frontage of the property;
         (b) the location of buildings, structures, and uses;
         (c) the method of ingress and egress;
         (d) off-street parking and loading arrangements;
         (e) screening, lighting, and landscaping, if appropriate;
         (f) the locations, calipers, and names (both common and scientific) of all trees near proposed construction activity (trees in close proximity that all have a caliper of less than eight inches may be designated as a "group of trees" with only the number noted); and

118

(g) any other information deemed necessary for a complete review of the proposed development; and

ii) a traffic impact analysis if the deemed that the analysis is necessary for a complete review of the impacts of the proposed development.

5) alter the basic relationship of the proposed development to adjacent property;

6) increase the number of dwelling units shown on the original site plan by more than 10 percent;

7) increase the floor area shown on the original site plan by more than five percent or 1,000 square feet, whichever is less;

8) increase the height shown on the original site plan;

9) decrease the number of off-street parking spaces shown on the original site plan so as to create a traffic hazard or traffic congestion or fail to provide adequate parking; or

10) reduce setbacks at the boundary of the site as specified by a building or setback line shown on the original site plan.

11) For purposes of this paragraph, "original site plan" means the earliest approved site plan that is still in effect, and does not mean a later amended site plan. For example, if a site plan was approved with the specific use permit and then amended through the minor amendment process, the original site plan would be the site plan approved with the specific use permit, not the site plan as amended through the minor amendment process. If, however, the site plan approved with the specific use permit was replaced through the zoning amendment process, then the replacement site plan becomes the original site plan. The purpose of this definition is to prevent the use of several sequential minor amendments to circumvent the zoning amendment process.

12) An applicant or owner of real property within the notification area may appeal the decision of the city council to the board of adjustments. An appeal must be requested in writing within 10 days after the decision of the city council. Appeal to the city council is the final administrative remedy available.

A. A time limit may be imposed as a condition upon the granting of an SUP. If a time limit has been imposed, the SUP automatically terminates when the time limit expires. Except as otherwise provided in Subsection (c), the applicant shall go through the procedures outlined above in Paragraphs (1) and (2) to renew an SUP.

12. Automatic Renewals

A. *As part of an SUP ordinance or ordinance amendment, the city council may declare that an SUP is eligible for automatic renewal pursuant to this subsection. Automatic renewal is an alternative to the standard method of renewing an SUP by amending the SUP ordinance. In order for automatic renewal to occur, the property owner or his representative must file a complete application for automatic renewal with the council after the 120th day but before the 180th day before the expiration of the current SUP time period. If a fee is required, the application is not considered "filed" until the fee is paid.*

B. *Automatic renewal does not result in an amendment to the SUP ordinance. An applicant seeking to change the SUP conditions or to otherwise amend the SUP ordinance must go through the procedures outlined in Subsection 3.*

C. *An application for automatic renewal must be filed with the council on a form furnished by the city for that purpose. As part of the application, the property owner or his representative shall state that all existing SUP conditions have been complied with, and that no changes to the conditions or other SUP ordinance provisions are being requested.*

D. *Failure to timely file a complete application required under Paragraph (A) renders the SUP ineligible for automatic renewal. The city council may, however, reinstate an SUP's eligibility for future automatic renewals as part of a new SUP ordinance or ordinance amendment.*

E. *Upon the filing of a complete application for automatic renewal, the city shall send written notice to all owners of real property lying within 200 feet of the area governed by the SUP. The notice must state that the SUP is eligible for automatic renewal and may be automatically renewed without further notice.*

F. *If the owners of 20 percent or more of the land within 200 feet of the area governed by the SUP file a written protest against the automatic renewal in accordance with this paragraph, the city shall forward the application to the city planning and zoning commission and city council for further action. Written protests against an automatic renewal must be filed with the city before 5:00 p.m. of the 21st calendar day after the date the notice is mailed. A protest sent through the mail must be received by the city before the deadline. If the deadline falls on a Saturday, Sunday, or official city holiday, then the protests must be filed before noon of the following working day.*

G. *After the deadline for filing written protests has passed, the director shall review the conditions of the SUP and determine whether the conditions have been met. If the director determines that the conditions have not been met, he shall forward the application to the city plan commission and city council for further action.*

H. *Any SUP granted in a residential zone (R1, R2, R2M, R3, R4) may apply for automatic renewals with the following exceptions. SUP are granted to the owner of the property, if the property changes ownership, the new owners must apply for an SUP to continue operating the property with the specific use permit.*

I. Any SUP granted in a business or industrial district may apply for automatic renewals with the following exceptions, if the real property is sold and the

120

intended use of the real property is to change, the SUP revoked. However if the real property is sold and the intended use of the real property is to remain AS-IS, then the SUP will be extended to the new ownership with a ownership change application that does not require a hearing before city council. (i.e. a property that currently operates as a retail store that sells clothing under store name XYZ, is sold and the new owners continue to operate the store as XYZ, the SUP in place will remain. If the new owners decide to operate a grocery store instead of the clothing store, the SUP will be cancelled.)

J. "Further action" as that term is used in Paragraphs (F) and (G) means that the city shall schedule the application for public hearings before both the city planning and zoning commission and the city council. Notice of the public hearings must be given as would be required by law for a change in zoning district classification. The city planning and zoning commission shall make a recommendation to the city council regarding the proposed renewal based on staff reports, field inspections, and the evidence presented at its public hearing

K. In connection with an application that has been forwarded to it by the director pursuant to Paragraph (F) or (G), the city council may
   (a) pass an amending ordinance to repeal the SUP's eligibility for automatic renewal, or to supplement, remove, or amend any of the conditions or other provisions in the SUP ordinance; or
   (b) take no action and thereby allow the SUP to automatically renew as a matter of law.
   (c) No renewal or expiration of an SUP may occur while the application is pending before the city plan commission or city council. If the application is pending at the end of the current time period stated in the SUP ordinance, the time period shall be extended as a matter of law until:

L. the day following the next succeeding official agenda meeting of the city council after the council makes its final decision on the application; or

M. if the council votes to pass an amending ordinance, until the effective date of the amending ordinance.
   (a) The renewal of an SUP eligible for automatic renewal occurs as a matter of law at the end of the current time period as stated in the SUP ordinance, or as extended pursuant to Paragraph (__). Unless otherwise specified in the SUP ordinance, an automatic renewal is for the same time period as the immediately preceding time period [excluding, if applicable, extensions pursuant to Paragraph (__].
   (b) An SUP that is automatically renewed pursuant to this subsection may continue to be automatically renewed in perpetuity so long as the owner or his representative continues to timely file the applications for automatic renewal required under Paragraph (1). Failure to timely file this application during any renewal period renders the SUP ineligible for further automatic renewal. The city council may, however, reinstate the SUP's eligibility for future automatic renewals as part of a new SUP ordinance or ordinance amendment.

121

(c) This subsection does not impair the ability of the city plan commission or city council to call a public hearing on its own motion for the purpose of passing an amending ordinance to repeal an SUP's eligibility for automatic renewal, or to supplement, remove, or amend any of the conditions or other provisions in an SUP ordinance.

CITY COUNCIL
AGENDA ACTION FORM

AGENDA DATE:	8/28/2024		
AGENDA SUBJECT:	Article 3.10 Signs		
PREPARED BY:	Chairperson – Pamela Streeter	**DATE SUBMITTED:**	8/23/2024
EXHIBITS:			

BUDGETARY IMPACT:	**Required Expenditure:**	$00.00
	Amount Budgeted:	$00.00
	Appropriation Required:	$00.00
CITY ADMINISTRATOR APPROVAL:		

SUMMARY:

Update Signs Ordinance to allow for easier understanding

RECOMMENDED ACTION:

Chapter 29 - SIGNS[1]

Purpose.

The purpose of these rules and regulations are to provide uniform sign standards and regulations in order to ensure public safety and promote a positive city image reflecting order, harmony and pride, thereby strengthening the economic stability of Fredericksburg's business, cultural, historical, and residential areas.

Sec. 29-2. - Jurisdiction.

The provisions of this chapter shall apply within the city limits, and within the extraterritorial jurisdiction (ETJ) of the city as defined by the Municipal Annexation Act (Article 970a, Revised Civil Statutes of Texas). For the purposes of these sign regulations, all signs erected within the extraterritorial jurisdiction of the City of Fredericksburg shall be erected in accordance with the standards imposed for property inside the city limits within the C-2 commercial zone.

Sec. 29-3. - Definitions.

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

A-frame sign. See *Unattached sign.*

Area sign means the square foot area enclosed by the perimeter of the sign face with each face contributing to the aggregate area. The sign face shall exclude decorative wood or metal devices, frames, and sign supports, but shall include sign supports which are defined as a monolith. However, double-faced sign faces shall be counted only as the area of one face. In cases where the sign, or portion thereof, is composed only of letters, figures, or other characters, standing against no sign face background or secured to a monolith, then the sign face area shall be the sum of the area of an imaginary figure (circle, triangle, rectangle, or other) which fully contains all words, figures, devices, designs, or trademarks which constitute the sign.

Auxiliary sign means any sign attached to a building or canopy indicating general information, such as trading stamps, credit cards, official notices or services required by law, or giving directions to offices, restrooms, exits, and like facilities. References to a product, service, business, name or pricing shall disqualify a sign as an auxiliary sign.

Banner means a sign intended to be hung without frames made of paper, plastic, or fabric of any kind which may possess colors, characters, letters, illustrations, or

ornamentations. Flags of governmental jurisdiction and flags carrying the emblem of a business or institution are not to be considered a banner for the purposes of this chapter.

Billboard means a sign that is designed for changeable copy, so the characters, letters or illustrations can be changed or rearranged within a fixed sign face which advertises a business, organization, event, person, place or thing not located on the same site (or property) as the billboard.

Building frontage means the distance or length of the primary building on the property adjacent and generally parallel to the business frontage or lot frontage. In the case of multitenant buildings, each tenant space shall be lease space portions of the building frontage.

Building lot means a lot or a portion of a lot or a combination of lots when used for construction of one building or commercial center.

Building official means the building official of the City of Fredericksburg, Texas, or his agent.

Business frontage/or lot frontage means the distance along the adjacent street frontage between the two side lot lines. On an interior lot, such distance shall be measured along the lot line abutting the street. On a corner lot, the shorter lot line abutting a street or the line designated as the front lot line by the subdivision or parcel map shall be used. On a through lot, the lot line abutting the street providing the primary access to the lot shall be used. On a flag (panhandle) lot, the interior lot line designated as a front lot line by a subdivision or parcel map, or the line determined by the director of development services to be the front line shall be used. Where such identification is in doubt, the same shall be determined in accordance with Section 7.220 (or its successor in the event the section number is changed) of the Zoning Ordinance of the City of Fredericksburg. On corner lots, the business/lot frontage shall be measured along a highway or street. Lot lines shall be those established by the most recent deed to the property as recorded in the real property records of the County Clerk of Gillespie County. If one business, or integrated business, occupies and utilizes more than one lot, the frontage distance of all lots occupied by the business, or integrated business, may be combined.

Canopy sign means a sign attached to a canopy that extends over a public right-of-way that is attached to or an extension of a building.

Chalkboard or *daily-special-type signs* are signs which announce daily specials and special sales and are signs which are typically written or have menu attachments and the like. These shall be permitted and otherwise treated as a wall sign provided, however, that:

No location may display more than one of these signs;

The sign will be counted in the maximum allowable sign area for the purveyor of the sign;

The sign does not exceed four square feet; and

It is otherwise secured and not hazardous.

Changeable lighted message sign means a sign which 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 however generated. This definition includes signs which utilize lights to form letters, words, figures, symbols, etc., and a sign with lights which illuminate intermittently (e.g., a sign with blinking or moving lights) regardless of wattage, whether directly or indirectly illuminated, except for time and temperature signs. This definition 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 of Uniform Traffic Control Devices approved by the Federal Highway Administrator as the National Standard or by the Texas Department of Public Safety and is for governmental use.

Community service (public service) sign means a sign which solicits support for or advertises a nonprofit community use, social institution, or public use. Such signs may include, but shall not be limited to, seasonal holidays such as Christmas or Easter, school activities, charitable programs, religious activities, or location of places or events of community or tourist interest and may include business advertising, provided that the same shall constitute not more than 25 percent of the sign.

Construction sign means a sign temporarily placed on a construction site identifying the project and/or owner, developer, contractor, or architect, and may include other information regarding the project.

Damaged sign means a sign which is unsafe, unsecured, disfigured, or broken.

Directional sign means an on-premises sign that is freestanding, the primary purpose of which is to give directions to parking lots, exits, entrances, drive-through windows, or similar directions. Reference to a product, service, business, or name, other than a subordinate business name or logo, shall disqualify a sign as a directional sign.

Double-faced sign means one structure containing either one sign with two faces back-to-back, oriented in opposite directions, or two signs back-to-back, with the faces

oriented in opposite directions and with a distance of not more than three feet between the two signs.

Externally illuminated sign means a sign illuminated in any manner by an artificial light source which is detached from the sign.

Freestanding sign means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Governmental sign means a sign indicating a public works project or other program or activity conducted or required by any governmental subdivision. This is also considered a community service sign.

Ground sign means a sign which is secured to the ground and which is not affixed to a building. The term "secured" is defined in the definition of unattached signs in this section.

Height, sign, means the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the average established ground level beneath the sign, unless curb elevation is higher than the ground level, in which case the height shall be measured from curb level.

Integral sign means a memorial sign or tablet, name of a building, or date of erection when cut into any masonry surface or when constructed of bronze or other incombustible material mounted on the face of a building.

Integrated business means a commercial business which is operated by more than one business owner and which meets one or more of the following criteria:

Each business owner has shares of stock or a partnership interest in a corporation that owns the grounds and buildings;

Each business owner owns his own space under an undivided interest arrangement or a condominium arrangement;

Each business owner rents/leases his own space within the same building; or

Each business owner is a member of a merchants association which contributes to the joint promotional efforts of the center.

Internally illuminated sign means a sign illuminated in any manner by an artificial light source as an integral part of the sign.

Marquee sign means a sign hung from or affixed to a marquee. It shall be synonymous with a canopy sign.

Medallion sign means a two-sided panel bearing a decorative figure or a relief or identifying emblem and limited to the business, address, proprietor and date of establishment.

No Solicitation sign is an on-premises sign of weather proof material not exceeding four inches in height and eight inches in width in size, with block letters at least one inch in height which is placed on a building or residence within three feet of either side of the front door clearly indicating that the occupant does not to be contacted by peddlers, solicitors or canvassers. The phrase "no solicitation" or "no solicitors" shall be sufficient for such purpose.

Nonconforming sign means a sign that does not conform to the regulations of this chapter or city ordinances, but which was placed or constructed in accordance with city ordinances existing at the time of its placement or construction.

Off-premises sign means a sign designed for identifying or advertising a specific establishment, merchandise, service product, or entertainment which exists or is sold, produced, manufactured, and/or furnished at a place other than on the property on which such sign is located.

Party responsible means the person whose name of business is being advertised on the sign and the owner of the property upon which the sign is located.

Person means an individual, partnership, corporation, firm or organization.

Portable sign. See *Unattached sign.*

Professional nameplate (shingle sign) means a sign denoting only the name, occupation and address of an occupant in a commercial, public, or institutional building.

Projecting sign means a sign, other than a wall sign, which is affixed to any building or wall, and whose leading edge extends more than two feet beyond such building or wall. A canopy or marquee sign is not defined as a projecting sign.

Realty sign means a sign which is used to offer property for sale, lease, or rent.

Roof sign means a sign that is mounted on, and is wholly supported by, the roof of a building and does not extend beyond the wall line.

Sandwich sign. See *Unattached sign.*

Shield sign. See *Medallion sign.*

Sign means any letters, figures, symbols, trademarks, or devices designed to inform people or attract the attention of persons to an individual, firm, profession, business,

commodity or service, and which is recognizable from any public right-of-way, and which is more specifically defined in various definitions in this section.

Snipe sign means a sign made of any material when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects, and the advertising matter appearing thereon is not applicable to the use of the premises upon which such sign is located.

Temporary sign means a sign to be hung with a frame, made of paper, plastic, fabric of any kind, wood, or metal, which may possess colors, characters, letters, illustrations, or ornamentations.

Unattached sign means a sign which is carried, wheeled, or moved about without having to detach the sign from a secure anchoring device which is set in the ground or affixed to a building which is set on an approved foundation, or a sign which is not secured in a manner approved by the building official and designed to withstand wind pressures as specified in Section 1605 of the International Building Code adopted by the City of Fredericksburg, Texas. Such signs are considered to be unattached if they can reasonably be expected to be blown out or about in high winds and may cause injuries to pedestrians and traffic hazards.

The term "unattached sign" includes:

Portable signs;

A-frame signs; and

Sandwich signs.

The term "unattached sign" does not include:

Realty signs;

Individual contractor signs;

Political signs which are six square feet in area or less;

Signs intended for temporary use for safety reasons due to construction, danger, or traffic control; and

Governmental or community service signs which are to inform the public.

Wall sign means a sign that is painted on, or attached to and erected parallel or approximately parallel to, the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building and which displays only one surface for display/advertising. No wall sign shall be affixed to any structural addition to a building which has been added primarily to evade the limitations of this chapter, or which projects above the roof line of the building.

- **Sec. 29-4. - Permit required.**

No person shall erect, construct, alter, repair, or relocate a sign without first obtaining a permit from the building official. The signs described in section 29-5 shall be an exception to the requirement.

Each application for a sign permit shall be accompanied by such drawings, descriptions, and specifications as are determined by the building official.

After a sign permit has been issued by the building official, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms and conditions of such sign permit without prior approval by the building official.

Whenever the building official or any police officer finds a sign which was erected after the effective date of the ordinance from which this chapter is derived and which was erected, constructed, altered, repaired, or relocated in violation thereof, the building official or officer shall require the party responsible for such sign to remove same. If the party responsible fails to remove the sign within three days after being notified to do, or if it appears to the building official or officer that the illegal sign placement poses an immediate danger to the public, such sign may be removed by the city at the expense of the party responsible. Any sign so removed shall be stored or impounded and shall not be returned to the party responsible until all applicable charges are paid. If any sign remains unclaimed for a period of 30 days after its removal, or if the removal and storage costs are not paid within the 30-day period, the city may destroy, sell, or otherwise dispose of the sign.

Maintenance of signs and replacement of nonconforming signs.

Ordinary maintenance of all signs is permitted without the necessity of obtaining a permit as required by section 29-4. Ordinary maintenance shall mean the refurbishment of signs as they exist with no alteration. Replacement or reconstruction of any part of a sign shall not be considered ordinary maintenance. Examples of permissible maintenance would be replacement of a rotten board, repainting of the sign elements with no alteration of content or repair of loose parts of the sign. An example of impermissible maintenance is replacement of any part of the sign such as a plastic face. Changes other than ordinary maintenance require that the sign be brought into conformity with this chapter.

In the event a change in use, occupancy, or ownership occurs and necessitates the alteration of a sign in any manner, the entire sign must then comply with any provisions of this Code.

Nonconforming signs which have been damaged, blown down or otherwise destroyed or dismantled for any purpose, other than ordinary maintenance as described in subsection (e)(1) of this section, may not be replaced.

- **Sec. 29-5. - Signs exempted from certain regulations.**

The signs described in the following subsections are exempt from the regulations provided for in this chapter. However, such signs shall remain subject to the construction and electrical standards of the city codes:

Realty signs advertising the sale, lease, rental, will build to suit of or on the premises upon which the sign is located, provided such signs do not exceed 32 square feet in area in nonresidential districts, and six square feet in area in residential districts, and do not exceed five feet in height. This exception includes garage sale or similar signs in residential districts. These signs shall be limited to one per lot.

Professional nameplates or shingle signs on premises, provided that such signs do not exceed four square feet in area.

Signs denoting the name and address of occupants of the premises on the premises, provided that such signs are not more than two square feet in area. Such signs are permitted in addition to any required address sign otherwise required by any Ordinance of the City of Fredericksburg.

Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, societies, or charitable organizations and located on the premises of such institutions, provided that if it is a freestanding sign such signs do not exceed 32 square feet in area.

One sign per street frontage of a building which is under construction, structural alteration or repair announcing the character of the building or enterprise or the purpose for which the building is intended, including names of architects, engineers, contractors, developers, financiers, owners, and others, provided the area of such signs does not exceed 32 square feet in nonresidential districts, and 16 feet in residential districts. Individual contractor signs (one per contractor), not exceeding three square feet in area, are allowed in addition to the construction sign described earlier in this subsection. All such contractor or construction signs shall be removed within 30 days after the completion of the construction project. All such signs which are larger than three square feet in area shall be set back from the property line to the normal building setback line required in the applicable zoning district. For the purposes of this subsection, the term "under construction" means under active construction and before substantial completion. Such signs shall not be erected, placed or allowed to remain in the absence or lapse of a building permit for the property to which it relates, or if a certificate of occupancy has been issued for such property. Trade repair or improvement signs (e.g., landscape and air conditioner repair signs) are limited to four square feet and may be placed only for the length of time the active repair or installation is underway not to include any maintenance period.

Governmental signs, provided that such signs do not exceed 32 square feet in area.

Community service signs may be placed on or over public property or on or over a public right-of-way only by units of local, state or federal governments or their agents.

Sec. 29-6. - Prohibited signs.

Share Link to sectionPrint sectionDownload (Docx) of sectionsEmail sectionCompare versions

The construction, placement, existence, use of or advertisement on signs of the following nature are prohibited unless specifically authorized by this chapter.

Signs or billboards off premises from the location of the subject of the advertising content.

Signs which advertise an activity, business or service which has been out of business for 45 days.

Signs which move or contain visible moving parts.

Banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, balloons, inflatable objects or other similar devices. Flags listed in section 29-5(8) are exempted, as are displays of historic, political, religious and military flags on residential property and on private property used by religious organizations. Strings of lights outlining windows or buildings are exempted and not considered to be prohibited.

Signs which contain statements, words or pictures of an obscene character.

Signs which are located on or extend over any public sidewalk, street, alley or other public property, except for canopy signs or projecting signs on buildings built up to the public right-of-way, or portions thereof, permitted in section 29-7(4)f and g. Signs required or authorized by governmental authorities for public purposes are exempted from this provision.

Signs which constitute a hazard to pedestrians or vehicular traffic, and signs which may be confused with, interfere with or obstruct the view of a traffic sign, signal or device.

Signs which make use of any word, phrase, symbol or character in such manner as to interfere with or mislead or confuse vehicular or pedestrian traffic.

Portable or wheeled signs.

Changeable lighted message signs.

Signs attached to or located upon amenities such as benches, trash containers or fences.

Signs placed on the side or rear of any building or property when such sign faces upon a contiguous residential district.

All signs in this category shall be maintained in good condition and if not the city building official shall cause such sign to be removed. If any sign in this category is for a special event, the sign shall not be erected more than two weeks prior to the event and shall be removed no later than five days after the event. The owner or organization shall be responsible for all costs involved in the erection and removal of such signs. A freestanding community service sign shall not exceed 32 square feet in area in nonresidential districts, and six square feet in area in residential districts. Signs hung across a public right-of-way shall be constructed of minnow seine material and shall be no larger than four feet in width and 36 square feet in length.

Official flags of governmental jurisdictions, U.S. military regimental flags, school flags and flags placed with permission of the city for special events or occasions. Business flags carrying the emblem, name, logo or other information of a business shall be included in the calculation of the maximum allowable sign area for such business. Business flags shall be limited to a maximum flag size of five by three feet.

Commemorative plaques placed by governmental or civic organizations and integral signs.

Signs specifically approved in a planned unit development; provided, however no prohibited signs shall be permitted.

Political election signs and signs the regulation of which is prohibited by the First Amendment as free speech, provided that such signs do not exceed 36 square feet in area or eight feet in height, on private real property with the consent of the owner, and are nonilluminated and without moving elements, and provided that such signs shall not be placed in, on or over any public street right-of-way. This provision shall not prohibit the use of signs in lawful demonstrations or speech in the public forum.

Public service signs indicating time and temperature, provided no company name, logo, or advertisement appears thereon.

Window signs, either painted or attached to a window of a building.

Auxiliary signs, not exceeding four signs of four square feet each per business property.

Directional signs, provided that such signs do not exceed six square feet in area or five feet in height.

No solicitation signs.

Signs specifically listed and permitted by the City under a Special Event Promoter/Sponsor Checklist or Special Event Permit Application, as set forth in Chapter 36 of this Code of Ordinances, for a Special Event held on Marktplatz (Market Square); provided that no prohibited signs, excepting signs set forth in Sections 29-6(3), 29-6(4), 29-6(6), 29-6(9), and 29-6(11), shall be permitted under this subsection (17) or under Chapter 36 of this Code of Ordinances.

Nothing contained in this section shall be construed to prohibit the display of the flag of the United States, State of Texas or any political subdivision permitted in section 29-5(8).

Roof signs mounted on, wholly supported by or painted on the roof of a building.

Signs listed in section 29-5 that do not meet the requirements listed in that section and signs that do not meet the requirements of section 29-7.

Damaged signs which are not repaired within 30 days following the date of the damage or following the date of notice to repair same given by the building official, or any police officer, to the party responsible for such sign whichever is sooner. Such 30-day period shall be extended provided that a bona fide work order bearing a delivery date for repairs is submitted to the building official within the 30-day period. The 30-day period shall be extended until seven days after the delivery date shown on the work order. The provisions of this subsection are subject to the provisions of section 29-4.

Snipe signs.

- **Sec. 29-7. - Permanent signs permitted by district.**

All signs listed in this section shall be required to meet any applicable standards as listed in this section and a construction permit shall be required prior to the erection of any signs described in this section:

The following signs shall be permitted in residential (R-1, R-2, R-3, RM and MPH) districts:

Residential subdivisions are allowed one permanent identification sign at each major entrance with not more than 32 square feet of sign area per sign. The height of each sign shall not exceed five feet and the lowest point of the sign facing shall not exceed 24 inches above the adjacent ground.

Multiple family complexes and mobile home parks are allowed one permanent identification sign with not more than 32 square feet of sign area. Permitted signs may be wall or ground signs, but if ground mounted the top shall not exceed five feet and the lowest point of the sign facing shall not exceed 24 inches above the adjacent ground. If building mounted, such signs shall be flush mounted and shall not project above the roof line.

Temporary real estate signs.

A maximum of two temporary real estate development signs, with a combined total of 90 square feet of sign area and limited to 64 square feet for any one sign, may be located in a new subdivision.

Each sign shall be located at a separate location with maximum separation as practicable. Two signs at the subdivision entrance are prohibited.

The maximum sign height shall be 15 feet.

Such temporary real estate subdivision signs shall be removed 24 months from the date the building permit for the sign is issued unless an application for extension of the same is made prior to the expiration of the 24-month period, in which case the 24-month period shall be extended for one additional period up to 24 months.

The following signs shall be permitted in neighborhood commercial (C-1) and medium commercial (C-1.5) districts:

Residential signs. Residential signs as permitted in subsection (1) of this section.

Maximum sign area. The maximum sign area of the combination of subsections (2)a, c, and d of this section for any property in this district shall not exceed 64 square feet.

Wall signs.

One wall sign is permitted for each property provided that the total sign area shall not exceed 1½ square feet for each linear foot of building frontage but in no case shall such wall sign exceed 50 square feet.

A wall sign shall not project above the building roof line to which it is attached and shall not exceed 25 feet in height.

A wall sign shall not extend outward more than 12 inches from the building wall to which it is attached.

Ground signs.

One ground sign is permitted for each property provided that the total sign area shall not exceed 32 square feet.

The height of the sign, including the sign structure, shall not exceed five feet above the adjacent ground and the lowest point of the sign facing shall not exceed 24 inches above the adjacent ground.

Banners/temporary signs.

One banner for a temporary sign shall be permitted for each business property provided it is not more than 16 square feet in area.

A permit shall be issued for a 20-day period.

The number of permits shall be limited to six per calendar year per property.

Each permit may be linked together for a consecutive period (e.g., 20, 40, 60, 80, 100, 120 days). Each 20-day period, even if linked together, shall carry a separate permit fee.

Banners/temporary signs shall be mounted as wall signs on a building in accordance with subsection (3)d of this section or as freestanding or ground signs in accordance with subsection (3)e of this section, or erected as medallion or shield signs in accordance with subsection (7)b of this section.

The following signs shall be permitted in commercial (C-2) districts:

Residential signs. Residential signs as permitted in subsection (1) of this section.

Banners/temporary signs.

Banners shall be permitted for each business property provided they do not exceed either two square feet per lineal foot of business building frontage or 80 square feet maximum in area. This applies to C-2 and industrial districts only.

Temporary signs shall be permitted for each business property provided they are not more than 16 square feet in area.

A permit shall be issued for a 20-day period.

The number of permits shall be limited to six per calendar year per property.

Each permit may be linked together for a consecutive period (e.g., 20, 40, 60, 80, 100 or 120 days). Each 20-day period, even if linked together, shall carry a separate permit fee.

Temporary signs shall be mounted as wall signs on a building in accordance with subsection (3)d of this section or as freestanding or ground signs in accordance with subsection (3)e of this section, or erected as medallion or shield signs in accordance with subsection (7)b of this section.

Banners shall be mounted wholly within the business property on either the building entirely, or on an existing freestanding sign entirely, and shall not be attached to any utility pole or structure within the right-of-way.

Maximum sign area. The maximum sign area of the combination of subsections (3)a, d, and e of this section for a property in this district shall not exceed 80 square feet for each 125 feet of business frontage, provided that such shall not be prorated based on the number of actual feet of business frontage, nor shall such allowable square footage be combined into one sign except as provided for in subsection (6) of this section. For example, a business must have 250 feet of business frontage in order to erect a second sign containing not more than 80 square feet.

Wall signs.

29

Wall signs are permitted for each business with a maximum total sign area of 1½ square feet for each linear foot of building frontage.

No wall signs shall project above the roof line of the building to which they are attached.

Wall signs shall not extend outward more than two feet from the building wall to which they are attached.

Ground signs.

One ground sign is permitted for each 125 feet of business frontage. A business must have 250 feet of business frontage in order to erect a second sign.

The maximum total sign area per sign shall not exceed 50 square feet.

The height of the sign, including the sign structure, shall not exceed five feet above the adjacent ground and the lowest point of the sign face shall not exceed two feet above the ground.

The following signs shall be permitted in the central business district (CBD):

Residential signs as permitted in subsections (1) and (2)a of this section.

Banners/temporary signs as permitted in subsection (2)e of this section.

The maximum total sign area of the combination of subsections (4)a, b, and d through g of this section shall not exceed two square feet of sign area per foot of business frontage and in no case shall the sign area exceed 80 square feet.

Wall signs.

Wall signs are permitted for each business property with a maximum total sign area of 1½ square feet for each linear foot of building frontage.

No wall signs shall project above the roof line of the building to which they are attached.

Wall signs shall be erected parallel to and extend not more than 12 inches outward from the facade of any building to which they are attached.

Wall signs that are boxed graphic or individual letters placed in a space between windows may not exceed two-thirds of the distance between the top of the lower window, or canopy, and the sill of the upper window.

Ground signs.

One ground sign is permitted for each business property provided the total sign area shall not exceed 20 square feet.

The height of the sign, including the sign structure, shall not exceed five feet and the lowest point of the sign face shall not exceed 24 inches above the adjacent ground, except for the alternate freestanding sign option erected in accordance with subsection (7) of this section.

Projecting signs.

One projecting sign per building face, or wall, of a business property.

A projecting sign shall not extend more than four feet from the building face, or wall, to which it is attached and shall not exceed 12½ square feet in area.

The distance from the bottom of the sign to the ground or sidewalk shall be a minimum of eight feet.

Projecting signs shall be pinned away from the building wall at least six inches.

Projecting signs may not extend vertically above the window sill of a second story.

Canopy signs.

The edge of the canopy sign shall not extend beyond the length or width of the canopy to which it is attached.

A canopy sign shall not extend either two feet above or two feet below the horizontal underside of the canopy, and in no case shall the sign provide less than six feet, eight inches of clearance from the bottom of the sign and the ground. For a two-story porch canopy, the sign may extend more than two feet below the bottom of the porch structure, but in no case shall the sign provide less than seven feet of clearance from the bottom of the porch and the ground.

Signs mounted on the underside or topside of the canopy, which are perpendicular to the building face, may not exceed two-thirds the width of the canopy. A minimum spacing of ten feet from sign to sign and five feet from the end of the canopy, except that a canopy at a street corner is required.

Signs mounted on the underside or topside of the canopy and parallel to the building face shall not exceed two-thirds of the length of the canopy. A minimum spacing of five feet from the end of the canopy shall be provided, except that a canopy at a street corner is required.

The following signs shall be permitted in industrial (M-1, M-2 and M-3) districts:

Banners/temporary signs as permitted in subsection (3)b of this section.

Areas zoned for industrial uses shall have the same regulations for wall signs and ground signs as permitted in subsections (3)d and e, respectively, of this section.

The following signs shall be permitted for integrated businesses in commercial (C-1, C-1.5 and C-2) districts and industrial (M-1, M-2 and M-3) districts:

31

Banners/temporary signs. Banners/temporary signs as permitted in subsection (3)b of this section.

Freestanding sign. One freestanding sign shall be permitted for each integrated business property.

Total sign area. The total sign area for a freestanding sign shall not exceed the greater of:

32 square feet; or

One square foot for each five linear feet of lot frontage, with a maximum of 100 square feet.

Total height. The total height of the sign shall not exceed 15 feet and the lowest point of the sign face shall not exceed 24 inches above the adjacent ground, provided that such sign advertises more than one business. In the event that only one business is advertised, the height limitation shall be five feet.

Wall signs. Regulations for wall signs shall be the same as provided in subsection (3)d of this section but shall be limited to a maximum of 80 square feet of sign area per business or tenant. For buildings with multiple businesses or tenants arranged in such a fashion that each business or tenant does not have a separate building frontage, the wall signage per business or tenant shall be calculated as 0.03 square feet of sign area per square foot of business or tenant lease space, but shall not exceed 80 square feet of sign area per business or tenant.

Historic district.

Signs, other than exempted signs under section 29-5, to be placed in the historic district shall also be subject to the review requirements of the historic preservation ordinance.

Businesses located in the historic district shall have the option of erecting a medallion or shield sign in lieu of a ground sign as described in subsection (2)d, (3)e, or (4)e of this section. Any such sign shall not exceed nine square feet of sign area and shall be mounted no more than nine feet high.

32

ARTICLE VIII. - SIGNS

DIVISION 1. - GENERALLY[17]

Sec. 28-1041. - Purpose.

The regulation of signs is intended to allow clear and concise information to be presented to the public while preventing inharmonious, distracting or confusing

Sec. 28-1042. - Compliance required.

All signs shall be erected, displayed and maintained in compliance with the requirements of this article and all other applicable state laws and city ordinances. If there is a conflict between the regulations of this article and a state law or city ordinance, the most restrictive standard applies and controls. In particular, if regulations applicable to the Brazos River Corridor Overlay District (BRC), as referenced in division 23 of chapter 28 of the zoning ordinance, or any other special

Sec. 28-1043. - Definitions.

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

Canopy shall mean a covering that provides cover or protection to the area below. It may be freestanding and open on all sides, or stretch out from a building, thereby closing in that one side.

Conventional sign shall mean a non-digital sign.

Small conventional off-premises sign. A non-digital off-premises sign with a face area not exceeding 72 square feet.

Medium conventional off-premises sign. A non-digital off-premises sign with a face area exceeding 72 square feet but not exceeding 300 square feet.

Large conventional off-premises sign. A non-digital off-premises sign with a face area exceeding 300 square feet but not exceeding 672 square feet.

Digital sign shall mean a sign displaying digital static images that can change messages or copy by programmable electronic processes.

Small digital off-premises sign. A digital off-premises sign with a face area not exceeding 382 square feet.

Large digital off-premises sign. A digital off-premises sign with a face area exceeding 382 square feet but not exceeding 672 square feet.

Educational institution shall mean a public or private elementary school, middle/junior high school, high school, or institution of higher education.

Face area shall mean the entire area contained within a single continuous perimeter enclosing the extreme limits of a sign. In computing face area of a double-faced, back-to-back or V-type sign, the side with the larger face shall be used to compute the square footage of the sign to determine the size of the sign. Cutouts, uprights, trim and aprons are to be excluded in computing face area. An extension or cutout of up to 20 percent of the face area is permitted.

Height shall mean the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and a level plane going through the nearest point of the vehicular traffic surface of the adjacent, improved public right-of-way, other than an alley or access road. If a sign is equidistant from more than one improved public right-of-way, none of which are alleys or access roads, the highest point shall be used.

Maintenance shall mean the cleaning, painting, repairing, or replacing of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign, but does not include changing the design of the sign's support construction, changing the type of component materials, or increasing the illumination, subject to the provisions of section 28-95 (Nonconforming uses).

Mobile sign shall mean a sign designed for use and display out-of-doors which is mounted on a trailer or is otherwise capable of being easily transported or moved from place to place.

Off-premises sign shall mean a sign displaying advertising or information copy that refers to a business, person, organization, activity, event, place, service or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

Small off-premises sign. An off-premises sign with a face area not exceeding 72 square feet.

Medium off-premises sign. An off-premises sign with a face area exceeding 72 square feet but not exceeding 300 square feet.

Large off-premises sign. An off-premises sign with a face area exceeding 300 square feet but not exceeding 672 square feet.

On-premises sign shall mean a sign identifying or advertising a business, person, or activity and installed and maintained on the same premises as the business, person or

activity, or displaying a noncommercial message on the premises of a business, person or activity.

Attached conventional on-premises sign. A non-digital on-premises sign attached to a building or to an open canopy attached to or supported by a building on one side.

Attached conventional on-premises canopy sign. A non-digital on-premises sign attached to a freestanding canopy.

Permanent sign shall mean a sign permanently affixed to a building or to the ground.

Setback shall mean, for a front yard setback, the required distance between the portion of a sign on private land closest to a public right-of-way and the nearest point at the edge of the nearest public right-of-way, other than an alley. If a public right-of-way crosses a railroad right-of-way, the setback distance is to be measured from the public right-of-way line extended across the railroad right-of-way. For a side yard setback, the required distance between the portion of a sign on private land closest to the boundary line on the adjoining lot and the nearest point on the boundary line on the adjoining lot.

Shared mobility information sign shall mean a sign used solely to display information about the shared mobility system, such as approved shared mobility parking areas, customer service information, instructions for using the system, maps, and the logo of the system operator.

Shared mobility sponsorship sign shall mean a sign associated with an approved shared mobility system, used to identify the operator or sponsor (or both) of the shared mobility system and/or a shared mobility system parking area. A sponsorship sign may also display information about the shared mobility system.

Shared mobility parking area shall mean a demarcated parking area intended to define the limits of an approved parking location for shared mobility devices. This may include the use of paint, decals, or other similar sidewalk or pavement treatments with or without associated shared mobility system signage.

Sign shall mean any structure or combination of structure and/or message in the form of a display, device, figure, painting, drawing, placard, poster, billboard, advertising structure, advertisement, logo, symbol or other form designed to advertise or to inform the public. The term "sign" does not include an official traffic-control sign, an official governmental marker, a national, state, city, or educational institution flag, or governmental signs.

Spacing shall mean the required distance between a sign proposed to be erected and any existing sign for which a permit has been obtained, with the distance requirement to be based on the size of the sign for which a permit is being obtained. Each double-

faced, back-to-back or V-type sign shall be treated as a single sign. The spacing measurement shall be made along the shortest distance between a proposed sign's location and the nearest point on the other sign already erected on the same side of the roadway.

- **Sec. 28-1044. - Flashing, moving or rotating lights prohibited; signs resembling traffic-control signs prohibited.**

No sign or part of any sign may have lights which flash, move or rotate in such a manner as to be confused with traffic-control signals or emergency vehicle signals, or in a manner that confuses, misleads or distracts traffic motorists. Beacons may not be placed on any sign or be made a part of any sign. Additionally, no sign that resembles an official traffic-control sign, signal or device or that bears the words "stop," "go slowly," "caution," "danger," "detour," or other wording for official traffic-control signs or devices may be used within the city.

- **Sec. 28-1045. - Political signs.**

Political signs may be erected in any zoning district. Political signs erected in R-1 and R-2 districts may not exceed six square feet in size. Political signs erected in R-3 and O districts may not exceed 18 square feet in size. Political signs erected in C and M districts must comply with the size, height, spacing, lighting and setback regulations that apply to off-premises signs in these districts. Political signs in C and M districts do not have to be constructed with a single support pole and all-steel support structure if the sign is a temporary sign to be removed at the conclusion of the political contest for which it was erected. All political signs must comply with all other applicable city ordinances, except the permit requirement under section 28-1052(b). All political signs must be removed within 30 days after the conclusion of the applicable political contest.

- **Sec. 28-1046. - Signs on or over buildings restricted.**

No sign shall be allowed to project over a building or extend above or be placed on top of a building or parapet wall unless it meets the following conditions:

No detached on-premise signage exists on the same lot on which the building is located;

The sign does not extend more than 5 feet above the roof or the top of the building or parapet wall;

The sign does not exceed the height limit for the zoning district in which the lot is located; and

The lot is not located in the Downtown or Brazos River Corridor District.

- **Sec. 28-1047. - Signs on public rights-of-way prohibited.**

Share Link to sectionPrint sectionDownload (Docx) of sectionsEmail

No sign or flag may be placed on or over the area located within ten feet of the paved portion of a street or if unpaved, the area located within ten feet of the portion of the street ordinarily used for vehicular travel, the median of a street, across the public right-of-way line extended across a railroad right-of-way, or on utility poles with the following exceptions:

Bench signs located on public property are exempt from this provision if approval has been granted pursuant to a contract with the city for the location of such bench signs.

A permanent sign attached to a building that encroaches into public right-of-way, provided the owner of the sign enters into an agreement with the city that includes a requirement that:

The owner will indemnify the city for any liability arising from the sign encroaching into the right-of-way; and

The owner will assume all costs related to the repair and removal of the sign.

Directional signs that are no larger than nine square feet in area with a maximum height of four feet provided the owner of the sign enters into an agreement with the city that includes a requirement that:

The owner will indemnify the city for any liability arising from the sign encroaching into the right-of-way; and

The owner will assume all costs related to the repair and removal of the sign.

Flags attached to light poles located in the right-of-way of University Parks Drive, Franklin Avenue from S. 6th Street to University Parks Drive, Austin Avenue from 6th Street to 3rd Street, Washington Avenue from N. 6th Street to University Parks Drive, northbound and southbound frontage roads of IH-35 from S. 12th Street to University Parks Drive, Colcord Avenue from N. 18th Street to University Parks Drive, N. 15th Street from Bosque Boulevard to Trice Avenue, Lake Shore Drive from the Brazos River to N. 19th Street, N. 19th Street from Lake Shore Drive to Powell Drive, College Drive from N. 19th Street to Lake Shore Drive, Powell Street from N. 19th Street to the MCC Campus, New Road from IH-35 to Old Robinson Road and the right-of-way of streets bounded by and including University Parks Drive, LaSalle Avenue, S. 8th Street, and IH-35, provided the owner of the flags enters into an agreement with the city that includes a requirement that:

a.

The owner will indemnify the city for any liability arising from the flags encroaching into the right-of-way; and

The owner will assume all costs related to the repair and removal of the flags.

Flags or banners located on light poles in the public improvement district with an agreement with the city to promote economic development and urban revitalization.

Projecting signs and sidewalk signs in the Downtown District subject to provisions in section 28-880.10.

Monument signs denoting a specific neighborhood or neighborhood association boundary that are no larger than 32 square feet, provided the owner of the sign enters into an agreement with the city that is approved by the city council and that includes a requirement that:

The owner will indemnify the city for any liability arising from the sign encroaching into the right-of-way; and

The owner will assume all costs related to the repair and removal of the sign.

Shared mobility information signs, shared mobility sponsorship signs, and shared mobility parking areas are exempt from this provision if approval has been granted pursuant to a contract or agreement with the city for the location of such signs.

No sign may be placed on or over that portion of the public right-of-way required by section 16-64 of the Code to be maintained by the owner, occupant, lessee or person in control of adjoining private property without the prior consent of such person charged by such ordinance to maintain such right-of-way. Any sign allowed under this subsection must meet all other applicable requirements for signs.

No permanent sign may be placed on or over the public right-of-way except such signs that are listed as exceptions under subsection (a) herein.

- **Sec. 28-1048. - Temporary signs.**

Construction signs. Signs denoting the property owner, architect, contractor, engineer, landscape architect, decorator or mortgagee engaged in the design, construction or improvement of the property on which the sign is located shall be subject to the following restrictions:

Such sign may not exceed a combined total of 125 square feet in area nor extend higher than 15 feet, as measured from ground level.

Such signs must be removed upon the issuance of an occupancy permit.

Development signs. Signs relating to the promotion of new developments which are located on the property to be developed, or signs denoting the future location of a

development or public improvement which are located on the site of such development or improvement, shall be subject to the following restrictions:

For an office, commercial and/or industrial development, one sign not exceeding 400 square feet in area nor extending higher than 25 feet, as measured from ground level, may be placed on the site for a period of time not to exceed one year, subject to renewal by the building official for a period not to exceed six months.

For a residential development containing 25 or more lots, or 20 acres or more of land, one sign not exceeding 400 square feet in area nor extending higher than 25 feet, as measured from ground level, may be placed on the site for a period of time not to exceed one year, subject to renewal by the building official provided the project is less than 90 percent complete. No sign erected as provided herein may be located closer than 100 feet to a residential dwelling not within the development site.

For a residential development containing at least ten but not more than 24 lots, or 20 acres or more of land, one sign not exceeding 100 square feet in area nor extending higher that 15 feet, as measured from ground level, may be placed on the site for a period of time not to exceed one year, subject to renewal by the building official, provided the project is less than 90 percent complete. No sign erected as provided herein may be located closer than 100 feet to a residential dwelling not within the development site.

Real estate sign. Signs relating to the sale or rental of property on which the sign is placed shall be subject to the following restrictions:

In an R-1 or R-2 zoning district, such signs may not exceed six square feet in area or four feet in height, as measured from ground level.

In an R-3 zoning district, such signs may not exceed ten square feet in area or six feet in height, as measured from ground level.

In an O, C and M zoning district, such signs may not exceed 32 square feet in area or ten feet in height, as measured from ground level.

Banners, flags, decorative fringe or tinsel, pennants and/or balloons. Banners, flags, decorative fringe or tinsel, pennants, and/or balloons shall be allowed either as detached signs provided that a permit is obtained from the building inspection department. Such permit shall allow a maximum single-use period of 30 days. The total number of days for which permits may be issued within one year shall not exceed 90 days. There shall be a maximum of six permits issued annually per location. It shall be the responsibility of the permittee to notify the building inspection department of the date the signs go up and the date when they will be removed; or, as attached signs provided that the total square footage of attached temporary and permanent signs shall not exceed ten percent of the total area of a building wall.

39

All signs must be safely and securely attached to the building walls or other permanent structures, such as columns or light posts, where permitted.

Signs *for occasional sales.* Two signs not exceeding two square feet may be allowed for the advertisement of garage, yard, and estate sales, in accordance with section 28-932, "Signs for Garage, Yard, and Estate Sales." Such signs are prohibited at all other locations.

Other signs. All other temporary signs are strictly prohibited, except for political signs under sec. 28-1045.

- **Sec. 28-1049. - Nonconforming signs.**

A nonconforming sign is any sign which was lawfully erected prior to the effective date of any regulation governing signs but which is no longer in compliance with such regulations because of the erection of an on-premises sign or because of a change in such regulations.

A nonconforming sign may remain in place, provided:

When any sign, or substantial part of a sign, is blown down, otherwise destroyed, taken down or removed for any purpose other than maintenance or for changing the letters, symbols or other matter on the sign, it may not be reerected, reconstructed or rebuilt except in full compliance with the requirements of this section. Repairs, if any, must be completed not later than the nintieth day following the date of damage or dismantling.

A sign or substantial part of a sign is considered destroyed if the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location.

- **Sec. 28-1050. - Elimination of certain signs.**

The city may require the removal of any sign erected in violation of any regulation of the city.

- **Sec. 28-1051. - Government signs.**

Nothing in this article shall be construed to prevent the display of a national or state flag, or to limit flags, insignia, legal notices, or informational, directional or traffic signs which are legally required or necessary to the essential functions of government agencies.

- **Sec. 28-1052. - Applications and permits.**

The building inspection department shall administer and enforce the provisions of this section.

Permits are required for the following signs:

All signs having an area greater than four square feet.

All signs having a height in excess of four feet.

All illuminated signs.

All signs with moving elements.

All signs projecting more than 18 inches from any wall, roof, parapet or eave.

No person shall erect or display a sign unless a permit for such sign is issued by the department of building inspection.

An application for a permit shall contain information concerning the location and size of the sign, date to be erected, value, name of the sign owner, name of the sign lessee, if any, and the name of the owner of the property where the sign is to be located.

An application for a permit shall also include a drawing to scale of the proposed sign and a list indicating the size of all existing signs maintained on the premises and visible from the right-of-way; a drawing of the lot plan or building facade, indicating the proposed location of the sign; and specifications for its construction, lighting, motion and wiring, if any.

The building official shall issue a permit for the sign if it complies with the requirements of this section.

The building official shall assign to each off-premises sign for which a permit is issued an identification number and shall issue an identification sticker with that number which shall be affixed to the sign's support pole. The identification sticker shall be placed on the support pole four to six feet above ground level. The identification sticker shall also be visible from the public right-of-way which is along the front of the property where the sign is located.

If the ownership or leasehold interest of any sign for which a permit has been issued changes, the permit holder shall provide this information to the city within 30 days.

All signs 35 feet and higher shall have a professional engineer's seal.

- **Sec. 28-1053. - Variances and interpretation.**

An applicant for a sign permit may include with the sign permit application an application for a variance from the requirements of this section on forms approved by the board of adjustment for use. The application shall state the reasons why the applicant requests a variance. A copy of the application shall be made available by the

board for public inspection at least 20 days prior to the public hearing on the application. The development plan required by section 28-171 is not required for a variance from the sign regulations contained in this section.

The director of planning shall review and report on the variance application as required by section 28-102. The board shall give notice and hold a public hearing on the variance application as required by section 28-103.

The board, subject to appropriate conditions, may authorize only the following variances from the requirements of this section if it finds that the public convenience and welfare will substantially be served, that the appropriate use of the neighboring area will not be substantially affected and that the variance is the minimum necessary to prevent an unnecessary hardship not created by the applicant:

A variance of up to 20 percent from the front or side yard setbacks.

A variance of up to 30 percent from the height restrictions.

A variance to the size of an attached, on-premises sign to permit it to cover 15 percent of the wall area.

The board may not grant a variance from the face size or spacing requirements for signs.

The board shall issue its decision on the variance application as required by section 28-104.

The board, as authorized by section 28-68, may hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by the building official in the administration of this section.

The voting requirements of section 28-69 and the provisions for a court appeal of section 28-69 apply to variances and appeals authorized by this section.

- **DIVISION 3. - ON-PREMISES SIGNS[18]**

- **Sec. 28-1091. - General provisions.**

On-premises signs within 25 feet of a lot line of a lot within an R or an O district are governed by the regulations of that R or O district.

No on-premises sign may be located nearer to an R district lot line than is permitted for other business or commercial structures.

On-premise signs shall not display any advertisements for a business, person or activity which is located on a different premises from that of the on- premise sign, except for the advertising of events for governmental agencies, churches, schools and

non-profit organizations. Signs for governmental agencies and educational institutions are exempt from this regulation.

- **Sec. 28-1092. - Detached signs.**

  R-1 and R-2 districts. Detached on-premises signs in the R-1 and R-2 districts shall be subject to the following:

  One detached, on-premises sign may be displayed.

  The size of the sign may not exceed four square feet.

  The front yard setback is five feet.

  The maximum height is six feet.

  No portion of the sign may have a luminance greater than 200 footlamberts and may not flash, move, rotate or change illumination.

  R-3 districts. Detached on-premises signs in the R-3 district shall be subject to the following:

  One detached on-premises sign may be displayed. Premises with more than 750 feet of frontage along a public right-of-way other than an alley may also have one additional detached on-premises sign for each 500 feet of additional frontage or fraction thereof.

  The size of the sign may not exceed 40 square feet.

  The front yard setback is five feet.

  The maximum height is 12 feet.

  No portion of the sign may have a luminance greater than 200 footlamberts and may not move, flash, rotate or change illumination more often than once an hour.

  O districts. Detached on-premises signs in the O district shall be subject to the following:

  One detached, on-premises sign may be displayed. Premises with more than 600 feet of frontage along a public right-of-way other than an alley may also have one additional detached, on-premises sign for every 400 feet of additional frontage or fraction thereof. One additional sign will be allowed per premises for each separate building not exceeding 20 square feet for each separate building; provided the total signage on the property shall not exceed that allowed under the frontage ratio set out herein.

The size of the sign may not exceed 20 square feet per occupant or use on the premises. The total cumulative size of such detached signs may not exceed 60 square feet.

The front yard setback is five feet.

The maximum height is 12 feet.

No portion of the sign may have a luminance greater than 200 footlamberts and may not move, flash, rotate or change illumination more often than once an hour.

C and M districts. Detached on-premises signs in the C and M districts shall be subject to the following:

One detached, on-premises sign may be displayed. Premises with more than 450 feet of frontage along a public right-of-way other than an alley may also have one additional detached, on-premises sign for every 300 feet of additional frontage or fraction thereof. If the property on which the on-premises sign is to be erected is located at an intersection corner of two or more streets, one of which is classified as an arterial, primary arterial or limited-access freeway, then a second on-premises sign may be displayed on one other street frontage.

The following size limitations apply:

For premises with frontage on a primary arterial street, or limited-access freeway, a ratio of 11:2 square feet in area for each foot of frontage, or 400 square feet in area, whichever is less. One additional sign, not exceeding 60 square feet, will be allowed for each separate building on the premises; provided the total signage on the property shall not exceed that allowed under the frontage ratio set out herein.

For premises with frontage on any other street, 120 square feet in area; provided that if a second on-premises sign may be erected under subsection (d)(1), such sign may not exceed 60 square feet. Provided, further, that if only one sign is to be erected in place of the allowed two signs, that one sign may be 180 square feet in area.

The front, side and rear yard setback is five feet.

The following height limitations apply:

For premises with frontage on or within 300 feet of an interstate highway, a height of 50 feet.

For premises with frontage on a controlled-access highway other than an interstate highway or a primary arterial or arterial street, 35 feet.

For premises with frontage on any other street, 25 feet.

If located closer than 50 feet to an R district, the sign may not flash and must be designed so it does not shine or reflect light into adjacent residences. The sign may be illuminated.

- **Sec. 28-1093. - Attached on-premises signs.**

R-1 and R-2 districts. Attached on-premises signs in the R-1 and R-2 districts shall be subject to the following:

One attached sign may be displayed.

The size of the sign may not exceed three square feet.

No portion of the sign may have a luminance greater than 200 footlamberts and may not move, flash, rotate or change illumination.

R-3 district. Attached on-premises signs in the R-3 district shall be subject to the following:

One attached sign may be displayed.

The size of the sign may not exceed 35 square feet.

No portion of the sign may have a luminance greater than 200 footlamberts and may not move, flash, rotate or change illumination more often than once an hour.

Supplemental signs for the purpose of identifying the apartment buildings and units located within shall be allowed on each building wall not to exceed nine square feet in area per building wall.

O districts. Attached on-premises signs in the O district shall be subject to the following:

One attached sign per building wall may be displayed for each occupant or use on the premises.

The cumulative size of signs may not exceed ten percent of the wall area.

No portion of the sign may have a luminance greater than 200 footlamberts and may not move, flash, rotate or change illumination.

C and M districts. Attached on-premises signs in the C and M districts shall be subject to the following:

One attached sign per building wall may be displayed for each occupant or use on the premises.

The cumulative size of the signs may not exceed ten percent of the wall area.

(3)

If located closer than 50 feet to an R district, the sign may not flash and must be designed so that it does not shine or reflect into adjacent residences. The sign may be illuminated.

One attached on-premises canopy sign may be displayed per canopy face. Such sign shall not exceed 10 percent of each canopy face area. Such sign must be contained within the physical limits of the canopy and shall not extend above or below the canopy.

- **Sec. 28-1094. - Detached on-premises signs for houses of worship and school facilities.**

Detached on-premises signs identifying houses of worship and school facilities allowed in the R districts are permitted up to 60 square feet in area and up to 12 feet in height. Such uses are permitted on only one detached on-premises sign per street front. For premises with mote than 600 feet of frontage on a limited access highway, or interstate freeway, or arterial street, and located in the R district, detached on-premises signs identifying houses of worship and schools are permitted up to 120 square feet in area and up to 25 feet in height. All signs for houses of worship and schools must comply with all other applicable city ordinances.

- **Sec. 28-1095. - Digital on-premise sign specifications.**

Share Link to sectionPrint sectionDownload (Docx) of sectionsEmail

Each message on a digital off-premises sign shall be displayed for at least eight seconds and a change of message shall be accomplished within two seconds.

A change of message must occur simultaneously on the entire sign face.

Safety. A digital on-premises sign shall:

Contain a default mechanism that freezes the sign in one position if a malfunction occurs; and

Automatically adjust the intensity of its display according to natural ambient light conditions.

Owner responsibilities.

The sign owner shall provide to the inspection services department contact information for a person who is available to be contacted at any time and who is able to turn off the digital on- premises sign promptly after a malfunction occurs.

(2)

If the inspections services department finds that an digital on-premises 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 inspection services department, shall reduce the intensity of the sign to a level acceptable to the department.

Prohibitions. A digital on-premises sign shall not:

Be illuminated by flashing, intermittent, or moving lights;

Contain or display animated, moving video, or scrolling advertising;

Consist of a static image projected upon a stationary object; or

Be a mobile sign located on a truck or trailer.

- **DIVISION 4. - OTHER SIGNS[19]**
- **Sec. 28-1111. - Mobile signs.**

Mobile signs may be located in any zoning district except R-E, R-1, R-2, and BRC, if the message or advertisement contained on the sign refers to some service or product available on the premises or is a noncommercial message.

A mobile sign may not stand on any premises for more than 30 consecutive days at a time or for more than 60 days in any calendar year without at least a period of 30 intervening days.

Lighted mobile signs shall be constructed and installed in accordance with the requirements of the city's electrical code. Mobile signs with red, yellow, amber, green or blue lights, or with lights that flash, blink or vary in intensity, are prohibited.

Mobile signs must comply with the setback requirements that would apply to off-premises signs in the zoning district in which the mobile sign is to be located. Mobile signs may not be placed on rights-of-way and may not be placed in such a manner as to create a hazard to traffic.

A mobile sign must be tied down or secured in a manner prescribed by the building official to ensure the safe installation of such sign.

- **Sec. 28-1113. - Maintenance of signs.**

All signs, including those painted on the walls of buildings, shall be permanently maintained in a structurally sound condition and in good repair, including the replacement of defective parts, painting, repainting, replacement of peeling, torn and/or faded copy, cleaning, and other acts required for the maintenance of said sign. All braces, bolts, slips, supporting frames and fastening shall be free from deterioration, termite infestation, rot or loosening. All signs shall further be

maintained in compliance with any additional requirements for signs as is specified in Chapter 28 of the Code of Ordinances of the City of Waco.

A pole (or sign supports) without a face area or a pole (or sign supports) with a face area which does not display a message designed to advertise or convey information to the public is prohibited and shall be removed within 30 days from notice by the building official. If such pole (or sign supports) is deemed by the building official to be a nuisance or hazard to the public health or safety, the city may remove such pole (or sign supports) after notice to the property owner, if the owner has failed to remove the pole (or sign supports) within ten days. The city may then assess the owner the costs of such removal and place a lien on the property on which the pole (or sign supports) was located until such costs are paid.

(Ord. No. 2000-6, § 1, 2-1-00; Ord. No. 2000-50, § 1, 9-19-00)

- **Sec. 28-1114. - Abandoned signs.**

All abandoned signs and their supports shall be removed within 30 days from the date of abandonment. A sign is considered abandoned if an establishment discontinues its business operations or use of the sign for six months. A sign is also considered abandoned if the sign has no face or has a face that no longer displays a message designed to advertise or convey information to the public about the business at the same location of said sign, for a period of six months. The building inspections department shall have the authority to grant a time extension not exceeding an additional 15 days from an abandoned, nondamaged sign. Signs painted on the walls of buildings shall be exempt from this provision.

Should the responsible party or parties, after due notice, fail to correct a violation of this section, the building official shall cause such signs and their supports to be demolished and/or removed. The building inspections department shall also file against the property a lien in the amount of the cost of all such work.

- **Sec. 28-1115. - Shared mobility system signs and parking areas.**

Shared mobility signs and parking areas are permitted, provided an approval has been granted pursuant to a contract or agreement with the city.

Shared Mobility information signs, shared mobility sponsorship signs, and shared mobility parking areas may be located in any zone.

General advertising not related to the shared mobility system or the operator or the sponsor of the system, may not be displayed.

The sign or parking area must not constitute a nuisance or hazard to vehicular traffic, pedestrians, or adjacent property; and must not create a sight obstruction at an intersection or driveway, as defined in Chapter 25, Article III of this Code.

ARTICLE 3.10 SIGNS

Division 3.10.1 Purpose
Division 3.10.2 Jurisdiction
Division 3.10-1 Generally
Division 3.10-2 Regulations For Specific Districts
Division 3.10-3 Sign Types
Division 3.10-4 Administration
Division 3.10-5 Uniform Billboard Standards

State law reference–Authority of municipality to regulate signs, V.T.C.A., Local Government Code, ch. 216.

Division 3.10-1 Generally

3.10.001 Definitions
3.10.002 Penalty; Removal Of Sign By City
3.10.003 (Reserved)
3.10.004 General Provisions
3.10.005 Design And Construction Standards
3.10.006 Landscaping
3.10.007 Prohibited Signs
3.10.008 Parking Of Advertising Vehicles
3.10.009 Nonconforming Signs

3.10.1 Purpose

The purpose of these rules and regulations are to provide uniform sign standards and regulation in order to ensure public safety and promote a positive city image reflecting order, harmony and pride, thereby strengthening the economic stability of Glen Rose's business, cultural, historic, rural and residential areas.

3.10.2 Jurisdiction

The provisions of this chapter shall apply within cityh limits, and within the extraterritorial jurisdiction (ETJ) of the city as defined by the Municipal Annexation Act (Article 970a) Revised Civil Statutes of Texas).

3.10.001 Definitions

For the purpose of this article, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

Abandoned sign. Any sign which pertains to a time, event or purpose which has expired or is no longer valid; any sign which was erected for or by the owner, occupant or business on a property and is now unrelated to the present use of this property; any sign, except a real estate sign, which is located on property which becomes vacant and unoccupied for a period of 3 months or more.

Glen Rose

Advertising matter. The placement on, anchoring of or suspension from any building, pole sign, sidewalk, parkway, driveway, lawn, area or parking area of any goods, wares, merchandise or other advertising object which is, but not limited to, light, inflatable objects, pennants or flags for the purpose of calling attention thereto.

Alteration. The changing of copy of any existing sign shall be deemed an alteration. The changing of movable parts of a sign which are designed for changing, the repainting of display matter or the repairing in place shall not be deemed to be alteration.

Auxiliary sign means any sign attached to a building or canopy indicating general information, such as trading stamps, credit cards, official notices or services required by law, or giving directions to offices, restrooms, exits, and like facilities. References to a product, service, business, name or pricing shall disqualify a sign as an auxiliary sign.

Awning. An architectural projection which provides weather protection, identity or decoration and is supported by the building to which it is attached. It is composed of a lightweight rigid or retractable skeleton structure over which another cover is attached which may be of fabric or other materials. An awning may be illuminated. Sign text and logos on awnings are included in the wall signage area, but only the area of the sign (not the entire awning area). An awning less than 24 inches in depth is not considered a functional awning and therefore is only considered a wall sign and all of the surface area of it is counted as sign area.

Balloon (inflatable advertising). A nonporous, flexible inflated device utilized to garner the attention of the general public or as general advertising.

Banner sign. A temporary sign intended to be hung either with or without a frame, possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind. Flags of governmental jurisdiction and flags carrying the emblem of an institution are not to be considered a banner for the purposes of this chapter.

Billboard. means a sign that is designed for changeable copy, so the characters, letters or illustrations can be changed or rearranged within a fixed sign face which advertises a business, organization, event, person, place or thing not located on the same site (or property) as the billboard. *Builder's directional sign*. A sign providing direction or instruction to guide persons to sites where new homes are under construction, usually off-premises.

Deleted: A freestanding sign containing at least 128 square feet of face area and owned by a person who engages in the business of selling the advertising space on that sign.¶

Building frontage means the distance or length of the primary building on the property adjacent and generally parallel to the business frontage or lot frontage. In the case of multitenant buildings, each tenant space shall be lease space portions of the building frontage.

Building official. The officer who, along with the code enforcement officer, is charged with the administration and enforcement of the sign ordinance.

Business sign. An on-site sign which directs attention to and/or is used to identify a business, profession, organization, institution, commodity, service, activity, entertainment or other nonresidential use conducted, sold or offered on the premises where the sign is located, or within the building to which the sign is affixed.

Canopy. A roof-like structure that shelters a drive lane for use, such as but not restricted to a gasoline pump island. A canopy is open on 2 or more sides and may be supported by either columns or by being attached to the building to which it is an accessory.

Canopy Signs *Canopy sign* means a sign attached to a canopy that extends over a public right-of-way that is attached to or an extension of a building.

1.The edge of the canopy sign shall not extend beyond the length or width of the building frontage to which the canopy is attached.

2.A canopy sign shall not extend either two feet above or two feet below the horizontal underside of the canopy, and in no case shall the sign provide less than eight feet of clearance from the bottom of the sign and the ground. For a two-story porch canopy, the sign may extend more than two feet below the bottom of the porch structure, but in no case shall the sign provide less than seven feet of clearance from the bottom of the porch and the ground.

3.Signs mounted on the underside or topside of the canopy, which are perpendicular to the building face, may not exceed two-thirds the width of the canopy. A minimum spacing of eight feet from sign to sign and five feet from the end of the canopy, except that a canopy at a street corner is required.

4.Signs mounted on the underside or topside of the canopy and parallel to the building face shall not exceed two-thirds of the length of the canopy. A minimum spacing of five feet from the end of the canopy shall be provided, except that a canopy at a street corner is required.

Chalkboard or *daily-special-type signs* are signs which announce daily specials and special sales and are signs which are typically written or have menu attachments and the like. These shall be permitted and otherwise treated as a wall sign provided, however, that:

(1) No location may display more than one of these signs;

(2) The sign will be counted in the maximum allowable sign area for the purveyor of the sign;

Deleted: ¶

Formatted: incr3, Indent: Left: 0.5", Space After: 0 pt

Formatted: incr1, Indent: Left: 0.5", Space After: 0 pt

Glen Rose

(3) The sign does not exceed four square feet; and

(4) It is otherwise secured and not hazardous.

Formatted: Font: (Default) Open Sans, 10.5 pt, Font color: Custom Color(RGB(49,51,53)), Expanded by 0.1 pt

Changeable copy sign. A sign that is utilized year-round, but the copy is changed periodically, advertising different specials associated with retail sales.

Code enforcement officer. The officer who, along with the building official is charged with the administration and enforcement of the sign ordinance.

Deleted: ¶

Construction sign. A temporary sign identifying individuals or companies involved in the design, construction, wrecking or improvement of the premises where work is under construction.

Damaged sign. A sign or substantial part of a sign is considered damaged if the cost of repairing the sign is more than 60% of the cost of erecting a new sign of the same type at the same location.

Decorative flag. A flag or banner that contains no name, initials, logos, insignia or similar items, used to attract attention. Colored flags only.

Development sign. A temporary on-site sign providing identification or information pertaining to residential or commercial development, including the builder, property owner, architect, contractor, engineer or mortgagee and/or project name.

Digital sign (non-motion). A sign, display, or device that changes its message or copy by programmable electronic or mechanical processes. The use of an electronic image on a digital display device does not include the use of flashing, intermittent, or moving light for the purposes of any rule or regulation. *Digital Sign (motion).* Any sign 1) illuminated by flashing, intermittent, or moving lights; (2) containing or displaying animation, moving video, or scrolling advertising; (3) consisting of a static image projected on a stationary object; or (4) a mobile sign located on a truck or trailer.

Dilapidated or deteriorated condition. Where the structural support or frame members are visibly bent, broken, dented, or deteriorated or contain torn sign copy materials and/or paint to the extent that a danger of injury to persons or property is created, or where the sign or the structure is not in compliance with the building code or ordinances adopted by the city.

Directional sign. Any sign, other than a highway marker, or any sign erected and maintained by a public authority, which is erected for the purpose of directing persons to a place, structure or activity not located on the same premises as the sign.

Directory sign. A sign listing the occupants of a building or group of buildings on the same parcel, and/or identifying the location of and providing directions to any establishment on the same parcel.

Glen Rose

directions, help wanted, public telephones and so forth. Also included in this group of signs are those designated to guide or direct pedestrians or vehicular traffic to an area or place on the premises of a business building by means of a directory designating names and addresses only.

Kiosk sign. A freestanding structure located in the city rights-of-way, which features a city logo identification panel at the top of each structure. The body of the kiosk sign contains individual panels which display directional information to homebuilders, subdivisions/developments, municipal or community facilities, community events, school district facilities, churches and businesses within the city limits. Also known as wayfinding signage.

Lighted sign. See definition of illuminated sign.

Logo. Any design or insignia of an organization, individual, company or product which is commonly used in advertising to identify that organization, individual, company or product.

Maintenance. All signs and support structures, together with all their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. No sign will be allowed to become frayed, discolored or torn.

Menu board. A sign displaying the menu for a drive-up window for a food establishment.

Message board sign. A sign composed of a matrix of individual bulbs or lights that are capable of displaying lights in a running or continuous fashion so as to provide transient pictures or information.

Monument sign. A permanent ground sign generally having a low profile with little or no open space between the ground and the sign.

Movable sign. See definition of portable sign.

Mural. A graphic displayed on the exterior of a building generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco or mosaic.

Nameplate. Nonilluminated wall signs, not over one square foot in area, displaying the name and profession of the occupant of the building.

New business sign. A sign for purpose of announcing the opening of a new business, including but not limited to signs announcing "Coming Soon" or "Now Open."

Nonconforming sign. Any sign lawfully constructed which fails to conform to the provisions of this article.

Off-premises sign. A sign used or intended to be used to attract attention to activities, commodities, services or other endeavors not offered on the premises on which the sign is located.

Electronic message center (EMC). Also known as a digital sign. A sign that uses computer-generated or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LDCs, or a flipper matrix.

Enclosed frame/changeable copy sign. See definition of changeable copy sign.

Erect. To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of the signs on the exterior surface of a building or structure.

Flag. A piece of cloth or fabric, usually rectangular in shape, of distinctive color and design, used as a symbol, a standard or signal to attract attention. Exemptions to this are patriotic flags, i.e., United States, state and city flags.

Flashing sign. An illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when the sign is illuminated. For the purpose of this article, any moving illuminated sign affected by intermittent lighting shall be deemed to be a flashing sign.

Framework. A support structure which meets all existing wind and load requirements as stated in the city's ordinances, designed to secure a banner or an interchangeable copy on all sides.

Freestanding sign. A sign supported by structures or supports in or on the ground and independent of any support from any building or wall. It also includes any non-portable sign supported by a fence, retaining wall, or upright structural members or braces on or in the ground and not attached to a building. A freestanding sign can have messages on each side.

Gasoline pricing sign. An outdoor advertising display with changeable copy letters and numerals that displays the current price of fuel or gasoline for sale.

Height measurement. The height of any sign shall be measured vertically at 90 degrees from the ground at the base of the sign.

Illegal sign. Any sign erected or maintained in violation of this article.

Illuminated sign. A sign which has characters, letters, figures or designs illuminated by electric lights, luminous/neon tubes or other means that are specifically placed to draw attention to or provide nighttime viewing of the subject matter on the sign face.

Illumination, external. Lighting by means of an unshielded light source (including neon tubing and the like) which is effectively visible as an external part of the sign.

Illumination, internal. Lighting by means of a light which is within a sign having a translucent background, or silhouetting opaque letters or designs, or on which is letters or designs, which are themselves made of translucent material.

Incidental sign. A small sign, less than 2 square feet in surface area, of a noncommercial nature, intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings,

On-premises sign. A sign which promotes or advertises activities, commodities, services or endeavors offered on the premises on which the sign is located.

Pennant, decorative. A wind device usually made of a lightweight plastic, fabric or other material, whether or not containing a message of any kind, usually triangular in shape and attached to a common cord. This definition also includes streamers attached to a common cord.

Pole sign. A freestanding sign supported by a pole or poles having no guys or braces to the ground or to any other structure.

Political sign. Any type of sign that refers to the issues or candidates involved in a political election, or that espouses a political cause or expresses a person's or group's viewpoint or opinion on an issue.

Portable (or movable) signs. Those signs that are not firmly attached to the ground, a building or other structure, and those that can be easily moved or carried about and reused numerous times at different locations; includes signs mounted on trailers and sandwich board signs.

Projecting sign. A sign that projects from a building or wall to which it is affixed, by more than 12 inches.

1. One projecting sign per building face, or wall, of a business property.

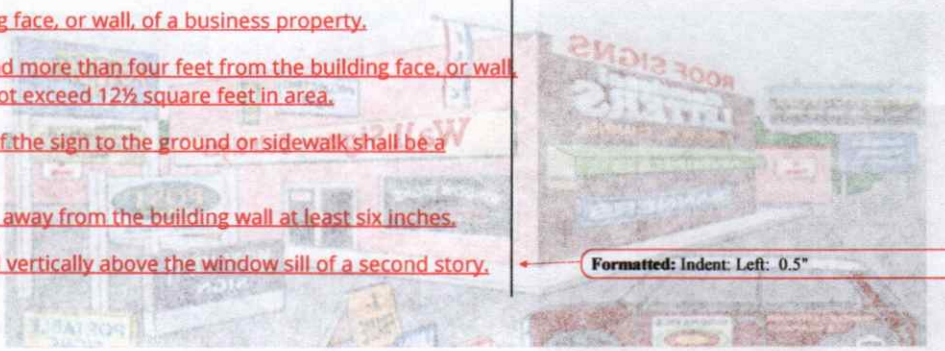
2. A projecting sign shall not extend more than four feet from the building face, or wall, to which it is attached and shall not exceed 12½ square feet in area.

3. The distance from the bottom of the sign to the ground or sidewalk shall be a minimum of eight feet.

4. Projecting signs shall be pinned away from the building wall at least six inches.

5. Projecting signs may not extend vertically above the window sill of a second story.

Formatted: Indent: Left: 0.5"



Pylon sign. See definition of pole sign.

Reader-board sign. A changeable copy sign, with strips attached to the face of the sign to hold removable display letters and numerals, for the purpose of identifying products sold or services provided by the related business tenant on the same premises.

Real estate land sale. A temporary sign announcing the sale of real estate on parcels in excess of one acre.

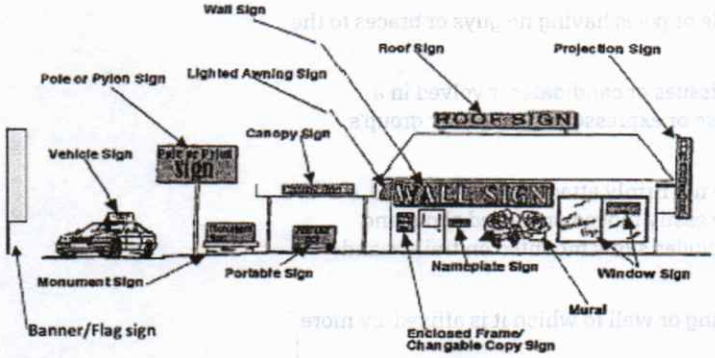
Real estate sign. A temporary sign pertaining to the sale, lease or rental of real property.

Residential construction. A temporary real estate sign announcing the construction of residential development.

Roof sign. A sign erected upon or above a roof or parapet of a building or structure.

Glen Rose

Sign. Every sign, name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, logo, balloon, streamer, valance, advertising display, poster, beacon, light or insignia, affixed directly or indirectly to or upon any building, window, door or outdoor structure, calling attention to any object, product, service, place or activity.



Sign area. means the square foot area enclosed by the perimeter of the sign face with each face contributing to the aggregate area. The sign face shall exclude decorative wood or metal devices, frames, and sign supports, but shall include sign supports which are defined as a monolith. However, double-faced sign faces shall be counted only as the area of one face. In cases where the sign, or portion thereof, is composed only of letters, figures, or other characters, standing against no sign face background or secured to a monolith, then the sign face area shall be the sum of the area of an imaginary figure (circle, triangle, rectangle, or other) which fully contains all words, figures, devices, designs, or trademarks which constitute the sign.

Deleted: Calculation means the area of the sign to be computed by drawing a line or lines around the sign in such a way as to form a rectangle oriented horizontally. The sum square footage of these figures shall be considered as the total area of the sign face. A sign face may be single-sided or double-sided, as with a typical pole sign; however, to calculate the area of a multi-sided sign, the sum of all sides of the sign shall not exceed twice the area specified for the sign face.

Glen Rose

1. Temporary window signs being used to advertise an event that do not exceed 11" x 14," and are not permanently affixed to the window do not require a permit.

(Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.08; Ordinance 2020.10.12A, sec. 2, adopted 10/12/20)

3.10.002 Penalty; Removal Of Sign By City

1. Any person, firm, corporation or agent who violates any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof in municipal court, shall be fined an amount not less than $25.00 nor more than $200.00. Each day that a violation is permitted to exist shall constitute a separate offense.
2. The judge of the municipal court may order the violation to be abated within a reasonable length of time, not to exceed 30 days.
3. If the owner or the occupant of the premises fails and refuses to comply with the order to abate the violation, the code enforcement officer may enter upon the property and remove the sign from the premises.
4. The property owner or occupant shall be billed for the cost of sign removal. Failure to reimburse the city for costs of removing damaged signs shall result in the filing of a lien against the property to secure payment thereof.

(Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.99)

3.10.003 (Reserved)

Editor's note–Former section 3.10.003 pertaining to the objectives was repealed and deleted in its entirety by Ordinance 2020.10.12A, sec. 3, adopted 10/12/20. Prior to the deletion, this section derived from the following: Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13 and the 2007 Code, sec. 153.99

3.10.04 General Provisions

Deleted: 3.10.004 Ge

Formatted: Font: (Default) Roboto Slab, 11 pt, Bold, Font color: Custom Color(RGB(81,89,103)), Ligatures: None

Formatted: List Paragraph, Outline numbered + Level: 3 + Numbering Style: 01, 02, 03, … + Start at: 4 + Alignment: Left + Aligned at: 0" + Indent at: 0.58"

Deleted: ¶

Formatted

1. Permit required. No person or business firm shall erect any sign or sign structure until a sign permit for the work has been issued by the Building Official Office to a contractor or the owner or occupant of the premises where the work is to be done.
2. Temporary Signs in B-3, B-2, B-1, on the downtown square, and immediately surrounding the Historical Overlay District must have a permit for any temporary signs. There will be no permit fee for these requests.
3. Contents of sign. All signs shall pertain only to the identification of the occupant/business/name, primary uses and/or services provided or primary products sold on the premises, except for government or community service signs as provided.
4. Compliance with other regulations. All signs shall meet the requirements of all applicable codes and ordinances pertaining to sign construction of the city. All signs located on state or federal highways shall conform to state and federal regulations.

Sign box. The rectangle used to calculate the sign area.

Snipe sign. A sign made of any material when the sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the use of the premises upon which the sign is located.

Temporary sign. Any sign constructed of cloth, canvas, plastic, light fabric, wallboard, or other material, with or without frames, intended to be displayed for a period of time not to exceed 30 consecutive days during a 90-day period.

Undeveloped property. A tract of land upon which no structure is located.

Vehicular sign. Any sign attached to a trailer, skid or similar mobile structure, where the primary use of the structure is to provide a base for the sign or constitute the sign itself.

Vertical banner. Any sign of a lightweight fabric or similar material that is mounted to a pole in a vertical fashion, secured at the top and bottom of the banner.

Wall area. The area of the wall from the finished floor elevation (or top of foundation) to the top of the parapet wall or to the bottom of the eave, whichever is highest. This wall area is as shown on the architectural elevation of the wall, including glass area and recessed wall areas.

Wall area, multi-story building. The sign wall area calculation for multi-story buildings shall be based upon the height of the first story (including any mezzanine level).

Wall, primary. The wall determined to be the primary signage wall, subject to its incorporating either the major entrance or the common street address.

Wall, secondary. The wall of a building is determined to be of secondary importance to the single business or establishment occupying the premises, and only facing onto a street, right-of-way or parking lot.

Wall sign.

1. A sign which is attached or affixed to the wall of a building, or is an integral part of the wall of a building, with the exposed face of the sign in a plane parallel to and not extending more than 12 inches from the wall. A wall sign shall not extend above the wall/parapet to which the sign is attached.
2. For the purpose of this section, awnings, canopy fascias and mansards extending along a building side shall be considered a part of the wall. The roof (including mansard and fake mansard roofs) and roof area are not included in the wall area.

Window sign. A permanent sign or mural attached to, placed upon, or painted on the window or door of a building which is intended for public viewing from the exterior of the building requires a permit approved by the Building Official Office. This permit will have no fee.

5. Alteration of message. Except as herein provided, no person or business firm, acting either as principal or agent, shall alter the copy face or lettering of any sign (except for signs with temporary messages made from interchangeable characters attached to tracks or grooves on the sign board), either by changing the message or by renovating an existing message.
6. Reserved.
7. Projecting over property line. No sign, sign structure or sign support shall project over any property line.
8. Prohibited supports. Trees, rocks, bridges, fences, utility poles, windmill towers and dilapidated buildings shall not be used as sign supports.
9. Street address signs. All building locations shall be identified by a street address sign that is clearly visible from the street.
10. Flashing, blinking or traveling lights. All these signs must comply with state regulations. The maximum brightness of signs with flashing, blinking or traveling lights shall not exceed .3 (three tenths) footcandles over ambient light levels when measured according to the following procedures. The illuminance of an EMC shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color capable EMC, or a solid message for a single-color EMC. All measurements shall be taken perpendicular to the face of the EMC in keeping with the distance requirements of the following table. Certification of the calibration must be presented to the city at the time of the initial installation. On an annual basis, the city may require certification that the unit has been calibrated to conform to the requirements of this section.
11. Attachment of portable signs. In the event a portable sign is used as a freestanding sign in the R03, B-1, B-2, B-3 or I districts, the sign shall be scurely attached to the ground to prevent movement by wind or other means.
11. Flags. Flags of any nation, state or political subdivision or one flag which shows an emblem or logo of a firm or corporation will be permitted, provided all other regulations are met. Businesses may have up to 3 permanent flagpoles on their property. Flagpoles shall not be higher than 35 feet in height, as measured from the ground at the base of the pole to the top.
12. Digital sign standards.
    1. The display or message may not change more frequently than once every eight seconds, with a transition period of one second or less.
    2. No flashing, dimming or brightening of message is permitted except to accommodate changes of message.
    3. An ambient light monitor shall be installed which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions and the brightness levels allowed under this article.
    4. The maximum brightness shall comply with the standards set forth in subsection (i) above.

Deleted: ¶

Formatted: Font: (Default) Roboto Slab, 11 pt, Font color: Custom Color(RGB(81,89,103)), Ligatures: None

Formatted: List Paragraph, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: No underline

Formatted: Font: (Default) Roboto Slab, 11 pt, Font color: Custom Color(RGB(81,89,103)), Ligatures: None

Formatted: List Paragraph, Space Before: 0 pt, After: 0 pt, Pattern: Clear

Deleted: ¶
Area of Sign (sq. ft.) … [1]

Glen Rose

Formatted: Indent: Left: 1", No bullets or numbering

(Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.02; Ordinance 2020.10.12A, sec. 4, adopted 10/12/20)

3.10.005 Design And Construction Standards

1. Construction materials; design approval. Monument signs and pole signs will have base planters constructed of rock, stone or masonry products. Design approval must be obtained from the building official prior to construction. Monument signs may not exceed 6 feet in height. Pole construction will be used for signs higher than six feet.
2. Signs in the historic district. Signs in the historic district are exempted from the requirements of this section. Design and construction standards for signs in the historic district shall comply with section 3.10.047 of this article.

(Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.03; Ordinance 2020.10.12A, sec. 5, adopted 10/12/20)

3.10.006 Landscaping

Landscaping must be provided for all new freestanding signs. Landscape design approval must be obtained from the building official prior to installation. (Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.04; Ordinance 2020.03.17D, sec. 4(a), adopted 3/17/20)

3.10.007 Prohibited Signs

The following signs shall be prohibited in all districts:

1. Any signs and supports, other than those required by a governmental authority, that are located on the public right-of-way, including public streets, alleys, and parkways. This section shall not apply to signs on commercial vehicles or commercial trailers lawfully operated or parked in those areas, except that this exception shall not otherwise be used to legitimize the use of advertising vehicles and trailers prohibited in section 3.10.008. Any sign and supports located on the public right-of-way or easements, including public streets, alleys, and parkways, may be immediately removed by the code enforcement officer or other authorized city employee without notice.
2. Twirling signs, digital signs (motion), sidewalk or curb signs, and pole signs;
3. Signs which, by reason of their size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic-control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign, signal or device;
4. Any sign which emits sound or odor that is offensive in nature or visible in a manner that serves as a distraction to persons within the public right-of-way; and
5. Abandoned and/or damaged signs are prohibited and shall be removed by the property owner. Notice of a violation shall be issued by the code enforcement

officer or other designated city representative in accordance with the notice requirements in section 3.10.112.

3.10.008 Parking Of Advertising Vehicles

No person shall park a vehicle or trailer outfitted for advertising, other than side-door panel business advertising, on a public right-of-way. (Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.06)

3.10.009 Nonconforming Signs

Any sign already in place at the time this article is adopted will be exempt from these regulations until the time that the sign falls into disrepair, is destroyed, is remodeled by as much as 50%, or is replaced. In this context, remodeling shall not include approved repainting or resurfacing. At the time the sign is replaced, the replacement sign must conform to these regulations. (Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.07)

Division 3.10-2 Regulations For Specific Districts

3.10.041 R-1 And R-2 Districts
3.10.042 R-2m, R-3 And R-4 Districts
3.10.043 B-1, B-2, B-3 And I Districts
3.10.044 (Reserved)
3.10.045 (Reserved)
3.10.046 (Reserved)
3.10.047 Historic District
3.10.048 Table Of Requirements For Permanent Signs
3.10.049 Somervell County Hospital District Signage

3.10.041 R-1 And R-2 Districts

The following regulations shall apply in the R-1 and R-2 districts:

1. Sign identifying occupant. One unlighted sign, which shall not exceed one square foot in area, indicating the name of the occupant, shall be permitted, provided the sign is attached to the face of the wall, with no open space between the sign and the wall;
2. Churches and schools. One sign, which shall not exceed 18 square feet, for a church or school shall be permitted;
3. Lease, sale or rental sign. One unlighted sign, which shall not exceed 10 square feet in area, on each lot, pertaining to the prospective lease, sale or rental of the building or premises on which it is located, provided the sign is immediately removed upon the lease, sale or rental of the building or premises;
4. Primary uses. Signs shall be specifically described and indicated on the site plan. The sign requirement for each use shall not be less restrictive than those of the respective district in which the use is otherwise permitted; and

Glen Rose

5. Accommodations facilities. In the event a special use permit is granted by council for the operation of an accommodations facility within an R-1 district, the following restrictions shall apply:
    1. One sign shall be permitted per establishment, not to exceed 16 square feet in size, inclusive of the support structure;
    2. The vertical dimension shall be considered to be the height of the support structure or the height of the sign, whichever is greater, and in no case shall exceed 4 feet;
    3. The horizontal dimension shall be considered to be the width of the support structure or the width of the sign, whichever is greater, and in no case shall exceed 4 feet;
    4. The sign may be either a freestanding or shingle-type sign;
    5. The sign may be situated between the structure and the street; and
    6. All signs shall be approved by the city building official or code enforcement officer prior to installation.

(Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.20)

3.10.042 R-2m, R-3 And R-4 Districts

The following regulations shall apply in the [R-2m,] R-3 and R-4 districts:

1. General requirements. [R-2m,] R-3 and R-4 uses shall meet the requirements of their respective districts as outlined in sections 3.10.004 through 3.10.007;
2. Primary identification signs. Primary identification signs, each having an area not exceeding 10% of the area of one wall or 5% of the area of 2 walls, where applicable, or 50 square feet, whichever is less;
3. Development name. One freestanding monument sign identifying the name of the development shall be permitted. This sign area shall not exceed 50 square feet per side. Overall sign height shall not exceed 6 feet. Sign setbacks shall be a minimum of 10 feet from the property line;
4. Informational signs. Informational-type signs, each not exceeding 10 square feet in area per building;
5. Placement. All signs shall be placed flat against the wall of a building and shall not extend above the front wall or side wall of the building;
6. Lighting and identification. All signs, except for the informational signs, shall identify the development by name and address only. Signs may be back-lighted, lighted indirectly, lighted internally or lighted by spotlights; and
7. Primary uses. Signs shall be specifically described and indicated on the site plan. The sign requirement for each use shall not be less restrictive than those of the respective district in which the use is otherwise first permitted.

(Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.21; Ordinance adopting 2017 Code; Ordinance 2020.10.12A, sec. 6, adopted 10/12/20)

3.10.043 B-1, B-2, B-3 And I Districts

The following regulations shall apply in the B-1, [B-2, B-3 and I] districts:

1. Auxiliary signs. Auxiliary signs not exceeding 10 square feet in total area per building may be placed in a window or flat against the wall of a building. Freestanding auxiliary signs of not more than 2-1/2 feet in height and 3 square feet in area are permitted on private property if limited to traffic direction or parking direction. Auxiliary sign area shall not be counted against total permitted sign area;
2. Service station canopy signs.
    1. Service station canopy signs shall be counted as a part of and limited to the percentage allowable for wall signs. Canopy signs may not exceed 20 feet in height and shall not exceed the top of the canopy on any side;
    2. Signs may be attached to and suspended from the underside of building canopies, with the following restrictions:
        1. No more than one such sign is permitted per business;
        2. The sign must identify only the store's name and address;
        3. The bottom edge of the sign shall be no less than 7 feet above grade; and
        4. The sign may be placed perpendicular to the front wall of the building;
    3. Signs may be located any place on a canopy that is not attached to a building, except that the signs shall not project beyond the width or height of that canopy, nor more than one foot below that canopy;
3. Freestanding signs. One freestanding monument sign for each freestanding building in the B-1 district shall be permitted, meeting the following requirements:
    1. Area. The area of the sign shall not exceed an amount equal to 0.40 square feet per front foot of the lot. The sign area shall not exceed 80 square feet per side;
    2. Height. Sign height shall not exceed 6 feet, except signs may increase in height 1 foot for every extra 1 foot beyond the required setback to a height not to exceed 15 feet, except along either side of Highway 67, in which case the maximum height shall be 25 feet; and
    3. Setback. Sign setbacks shall be a minimum of 10 feet from the property line, as long as it does not interfere with the visibility of neighboring building signage. Where neighboring structures or vegetative growth are close to the property line, permission by the building official, or his designee, may be given to place a sign closer to the property line.
4. Wall signs. Advertising signs, when the same are attached to a building and advertise only the business name, services, articles or products offered within the building to which the sign is attached, shall be permitted, provided that the signs shall not extend more than 3 feet vertically above the outside walls of the buildings, nor more than 2 feet perpendicular from the face of the walls of the building. Not more than 10% of any wall shall be used for these signs, except, when

Glen Rose

freestanding signs are allowed but not used, this may be increased to not more than 15% of the wall; and

5. Primary uses. Signs shall be specifically described and indicated on the site plan. The sign requirement for each use shall not be less restrictive than those of the respective district in which the use is otherwise first permitted.
6. Signs on the Historic Courthouse Square must be approved by the Historic Preservation Commission (HPC) before a permit may be obtained.

(Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.22; Ordinance adopting 2017 Code; Ordinance 2020.10.12A, sec. 7, adopted 10/12/20)

3.10.044 (Reserved)

Editor's note–Former section 3.10.044 pertaining to the B-2 district, was repealed and deleted in its entirety by Ordinance 2020.10.12A, sec. 8, adopted 10/12/20. Prior to the deletion, this section derived from the following: Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.23; Ordinance adopting 2017 Code.

3.10.045 (Reserved)

Editor's note–Former section 3.10.045 pertaining to the B-3 district, was repealed and deleted in its entirety by Ordinance 2020.10.12A, sec. 9, adopted 10/12/20. Prior to the deletion, this section derived from the following: Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.24.

3.10.046 (Reserved)

Editor's note–Former section 3.10.046 pertaining to the I district, was repealed and deleted in its entirety by Ordinance 2020.10.12A, sec. 10, adopted 10/12/20. Prior to the deletion, this section derived from the following: Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.25; Ordinance adopting 2017 Code.

3.10.047 Historic District

In addition to any requirements of this article, all signage within any historic district must also meet the requirements and/or restrictions specified in the governing guidelines of the historic district and the construction materials and design standards for those signs must be approved by the historic preservation commission prior to construction. (Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.26; Ordinance 2020.10.12A, sec. 11, adopted 10/12/20)

3.10.048 Table Of Requirements For Permanent Signs

PERMANENT SIGNS

All signs must be permitted through the code enforcement officer.

District	Per Unit	Type of Sign Permitted	Maximum Area	Maximum Height	Requirements
Residential					

R-1 and R-2 Residential	1	Wall sign only	1 sq. ft.		Must contain only occupant's na and wall.
Church or school	1	Church or school	18 sq. ft.		One sign allowed for each churcl
Accommodations facility in R-1	1	Freestanding or shingle	16 sq. ft.	4 ft. overall	Facility requires special use perm
R-3 and R-4 Residential	1	Freestanding	80 sq. ft.	6 ft.	Allowed only to identify name o
Commercial					
B-1 Restricted B-2 General B-3 Central Business District	N/A	Auxiliary signs, wall or window	10 sq. ft. or 10% of total area of wall		Must be placed in window or flat
	N/A	Freestanding auxiliary signs	3 sq. ft.	30 inches	Permitted on private property if l sign area.
	B-1=1 B-2=2 B-3=1	Freestanding monument sign	80 sq. ft.	6 ft. plus an additional 1 ft. for every additional 1 ft. of setback. 15' except max. 25' on Hwy 67	Mandatory 10-ft. setback from p
	N/A	Wall sign	Maximum 10% of wall area, 15% if freestanding	Maximum extend 3 ft. vertical or 3 ft. perpendicular	Must be attached to building and within the building.
Industrial	1	Service station canopy sign	4 sq. ft.	Must be 7 ft. above grade Must be 20 ft. high	Shall be counted as a part of the on any side. Must identify only t Allowed any place on freestandi below canopy. May be suspende
	N/A	Auxiliary signs, wall or window	10 sq. ft.		Must be placed in window or flat
	N/A	Freestanding auxiliary	3 sq. ft.	30 inches	Permitted on private property if l sign area.
	N/A	Wall sign	Maximum 10% of wall area, 15% if freestanding	Maximum extend 3 ft. vertical or 2 ft. perpendicular	Must be attached to building and within the building.

Glen Rose

(Ordinance 525 adopted 12/9/13; 2007 Code, ch. 153, app. A; Ordinance 2020.10.12A, sec. 12, adopted 10/12/20)

3.10.049 Somervell County Hospital District Signage

Notwithstanding other provisions within the city's code to the contrary, a freestanding monument sign for the Somervell County Hospital District facilities shall be deemed acceptable provided it conforms to the following requirements:

1. It shall not exceed twenty-six feet (26') in height;
2. The overall area of the sign, including the base, shall not exceed two hundred and seventy-five (275) square feet per side;
3. The sign shall be located on the SCHD premises and may be located immediately adjacent to the Highway 67 right-of-way, provided it does not encroach upon the thirty foot by thirty foot (30' X 30') field of view triangle at the intersection of the facility's driveway and Highway 67;
4. The sign may have internal illumination, provided the light is not of such intensity or brilliance to cause glare or otherwise impair the vision of a passing motorist, or result in a nuisance to said motorist;
5. The base shall be constructed of rock, stone, or other masonry products;
6. The sign's foundation shall be designed to withstand anticipated wind loads and the drawings shall be sealed by a state licensed professional engineer; and
7. Should the sign be located or encroach upon TxDOT right-of-way, that agency will need to be consulted and its standards adhered to.

(Ordinance 2019.11.11C adopted 11/11/19)

Division 3.10-3 Sign Types

3.10.081 Temporary Construction Site And For-Sale And Rental Signs
3.10.082 Governmental Signs
3.10.083 Temporary Business Promotional Signs
3.10.084 Community Service Signs
3.10.085 Monument Signs
3.10.086 Wayfinding Signs

3.10.081 Temporary Construction Site And For-Sale And Rental Signs

On property of one acre or more, for-sale signs, rental signs or temporary construction site signs not exceeding 32 square feet in area and 6 feet in height may be placed at a development site. On property of less than an acre, the aforementioned signs may not exceed 6 square feet in area and 4 feet in height. These signs are not subject to permit fees. (Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.35; Ordinance 2020.10.12A, sec. 13, adopted 10/12/20)

3.10.082 Governmental Signs

Governmental signs not exceeding 32 square feet in area and not exceeding 10 feet in height shall be permitted. This standard shall not apply where state or federal regulations

are in conflict with these standards. (Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.36)

3.10.083 Temporary Business Promotional Signs

1. Any temporary business promotional signs shall only be placed in or on windows and shall have a combined area not exceeding 10% of the area of all windows on the same wall. Area of the signs shall not be counted against total permitted sign area and no permit is required.
2. A-frame or sandwich signs. "A-frame" or "sandwich" signs shall be permitted, provided they meet the following criteria:
    1. Sign approval must be obtained from the code enforcement officer prior to use;
    2. The sign must be no larger than 4 feet high by 2 feet wide;
    3. The sign must be professional in appearance (painting, lettering and the like);
    4. The sign must be located in front of the business it advertises. If located elsewhere, the sign owner must provide written permission from the owner of the property where the sign is located;
    5. The sign may only be placed on the sidewalk during business hours;
    6. The sign may not block the sidewalk or interfere with walking traffic; and
    7. The sign may not interfere with Americans with Disabilities Act guidelines.
    8. These signs are not subject to a time limit.
3. Banners, pennants and portable signs. Banners, pennants and portable signs are authorized in all nonresidential districts, subject to the following restrictions:
    1. A temporary sign authorization must be approved by the city prior to erecting or placing the sign. Authorizations for temporary signs shall be granted only with the written consent of the owner or person in charge of the property.
    2. The total square footage of all temporary signs placed by one authorization shall not exceed 75 square feet.
    3. A total of 5 temporary signs shall be authorized by any one authorization, per business, as long as the total square footage of these signs does not exceed 75 square feet.
    4. The maximum permitted height per sign is 6 feet, except vertical, flag-type banners may have a maximum height of 12 feet.
    5. No fees will apply for temporary/portable signs.
    6. Signs must be kept in a serviceable condition at all times. A tear over 5 inches in length, a sign coming loose from its stand or frame, letters missing from a sign, or materials faded 50% or more are considered unserviceable, and must be removed.
    7. Temporary sign authorizations are good for a period of 12 months. If the authorized sign is replaced, using another sign the same exact size, a new authorization is not required during the 12-month period.

Glen Rose

8. Portable temporary signs with changeable letters that are not being utilized must be removed from public view.

4. Inflatable signs and balloons. Inflatable signs are permitted in nonresidential zoning districts, subject to the following:
    1. Inflatable signs shall not exceed 20 feet in height or 10 feet in width, and shall be fastened securely to the level ground. No balloon shall be flown at a height exceeding 100 feet above the level ground.
    2. No inflatable sign shall be attached to the roof of a building or other structure.
    3. An inflatable sign authorization is valid for 14 days. No more than 4 inflatable sign authorizations shall be issued per calendar year for any one business or property.
    4. No inflatable sign shall be located within 20 feet of a roadway or a driveway or other ingress or egress from the property.
    5. A no-fee permit is required for inflatable signs and balloons.

(Ordinance 299-C adopted 1/13/04; Ordinance 374 adopted 4/27/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.37; Ordinance 2020.10.12A, sec. 14, adopted 10/12/20)

3.10.084 Community Service Signs

Community service signs for seasonal celebrations shall have no size limitation if placed in or on windows and have a combined area not exceeding 10% of the area of all the windows on that same wall. Stake-type community service signs that are not of a seasonal celebration nature, that support programs or functions sanctioned by the school district or other nonprofit organizations, shall be permitted, provided they are not larger than 18 inches by 24 inches, are not placed on the right-of-way and are not an obstruction for traffic. A permit shall be required for any sign larger than 18 inches by 24 inches. (Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.38)

3.10.085 Monument Signs

1. Nonresidential districts. Monument signs in nonresidential districts are subject to the following restrictions:
    1. No more than one monument sign shall be permitted for every 300 feet of street frontage on each premises, except that a lot that has frontage on more than one street may have one sign on each street on which the property fronts. Only one monument sign shall be erected along the same street frontage.
    2. A monument sign may be illuminated internally, or by an external light source if that light source cannot be seen from the public right-of-way. An electronic or message board is permitted if it does not occupy more than 24 square feet of the area of the sign face.
    3. The sign base and sign shall be covered or constructed with the same masonry materials, stone, or brick as the principal building, or with other

materials approved by the code enforcement officer. All materials used must complement the architecture of the principal building.

2. Residential districts. Monument signs are allowed in single-family residential districts for the purpose of identifying a residential subdivision or for nonresidential uses that are permitted in such district. Monument signs shall be subject to the following restrictions:
    1. No more than one monument sign shall be permitted for every 300 feet of street frontage on each premises, except that a lot that has a frontage on more than one street may have one sign for each street on which the property fronts.
    2. A monument sign shall not exceed 4 feet in height, plus a maximum of 2 feet at the sign base.
    3. A monument sign shall not exceed one square foot of gross surface area for every 2 feet of street frontage, or a maximum of 50 square feet.
    4. A monument sign may be illuminated by an external light source if that light source cannot be seen from the public right-of-way.
    5. The sign base and sign shall be covered or constructed with the same masonry materials, stone, or brick as the principal buildings, or with other materials approved by the code enforcement officer. All materials used must complement the architecture of the principal building.

(Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.39; Ordinance 2020.10.12A, sec. 15, adopted 10/12/20)

3.10.086 Wayfinding Signs

Wayfinding signs (kiosks) may be installed if recommended by the planning and zoning commission and approved by the city council. Planning and zoning commission recommendations for wayfinding signage in the historic district shall be reviewed and approved by the historic preservation commission prior to the recommendation being forwarded to the city council for final approval. (Ordinance 2020.10.12A, sec. 16, adopted 10/12/20)

Division 3.10-4 Administration

3.10.111 Permit Fees
3.10.112 Notice Of Noncompliance
3.10.113 Dimensional Variances

3.10.111 Permit Fees

Permit fees shall be as set forth in the fee schedule in appendix A of this code. (Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.50; Ordinance adopting 2017 Code)

3.10.112 Notice Of Noncompliance

It shall be the duty of the code enforcement officer or his or her representative, upon having personal knowledge of a violation of this article, to serve written notice to the owner or lessee of the property upon which the sign is located, either by hand delivering

Glen Rose

in person or by depositing a notice of noncompliance in the United States mail, certified mail, return receipt requested. This notice shall state the name of the person to whom the notice is sent or delivered, include a general description of the violation, state the legal address of the property on which the violation has occurred, and state that the owner, lessee or other person having control of the property shall abate the violation and comply with the provisions of this article within 10 days from the date of the notice. (Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.51)

3.10.113 Dimensional Variances

Where adherence to the dimensional standards established in this article creates practical difficulties and/or is unnecessarily burdensome due to features unique to a property or group of properties, the property owner or lessee shall be granted an opportunity to state his or her case before the board of adjustments. If the board of adjustments determines such would provide substantial justice to the owner, it may agree to waive or modify those dimensional standards. The decision of the board of adjustments shall be final. (Ordinance 2020.10.12A, sec. 17, adopted 10/12/20)

Division 3.10-5 Uniform Billboard Standards

3.10.141 Definitions
3.10.142 Penalty
3.10.143 General Provisions; Prohibited Billboards
3.10.144 Abandoned Or Damaged Billboards
3.10.145 Nonconforming Billboards
3.10.146 Notice Of Noncompliance

Editor's note–Former section 3.10.147 pertaining to the financial hardship provision, was repealed and deleted in its entirety by Ordinance 2020.10.12A, sec. 19, adopted 10/12/20. Prior to the deletion, this section derived from the following: Ordinance 268 adopted 10/8/96; 2007 Code, sec. 150.17(G).

3.10.141 Definitions

For the purpose of this division, the following definition shall apply, unless the context clearly indicates or requires a different meaning.

Billboard. An offsite sign or any other advertising device with a total sign face exceeding 400 square feet of sign face or with a support or supports greater than 2 square feet in cross-section or an overall height which exceeds 20 vertical feet from the ground upon which it sits, or, in the case of a sign or device installed on a higher elevation, the "ground" shall be measured from the crown of the road from which any face of the sign is visible.

(Ordinance 268 adopted 10/8/96; 2007 Code, sec. 150.17(A); Ordinance 2020.10.12A, sec. 18, adopted 10/12/20)

3.10.142 Penalty

Any person, firm, corporation or agent who violates any of the provisions of this division shall be guilty of a misdemeanor, and upon conviction thereof shall be fined an amount

72

not less than $25.00 nor more than $200.00. Each day that a violation is permitted to exist shall constitute a separate offense. (Ordinance 268 adopted 10/8/96; 2007 Code, sec. 150.99(D))

3.10.143 General Provisions; Prohibited Billboards

1. Prohibited billboards. All billboards are hereby prohibited except as set forth herein.
2. Existing billboards.
    1. All existing billboards shall meet the requirements of all applicable codes and ordinances pertaining to billboard construction of the city.
    2. All existing billboards located on state or federal highways shall conform to state and federal regulations.
3. Permit required; altering message. Except as herein provided, no person or business firm, acting as principal or agent, shall alter the copy face or lettering of any billboard, except for billboards with temporary messages made from interchangeable characters attached to tracks or grooves on the billboard, either by changing the message or by renovating an existing message, or shall erect any billboard or billboard structure until a billboard permit for the work has been issued by the city building official or designee to a contractor or the owner or occupant of the premises where the work is to be done.
4. Sign faces. No more than 2 sides of a billboard structure may be used for display.
5. Projecting over property line. No billboard, billboard structure or billboard support shall project over any property line.
6. Prohibited supports. Trees, loose rocks, bridges, fences, windmill towers and dilapidated buildings shall not be used as billboard supports.
7. Street address sign. All building locations shall be identified by a street address sign which is clearly visible from the street in letters not less than 2 inches tall.
8. Flashing, blinking or traveling lights. No billboards with flashing, blinking or traveling lights shall be allowed, nor shall any billboard have any moving parts as a part of the visible signage.
9. Conflicting regulations. In the event that more than one billboard-related definition applies to a non-prohibited proposed sign, resulting in conflicting regulations thereon, the billboard applicant may choose the definition that is to apply, with the qualification that any regulations related to that definition must be adopted. Where the proposed sign is of a type that is prohibited, it shall remain prohibited notwithstanding that it may also come within the definition of an approved type of billboard.

(Ordinance 268 adopted 10/8/96; 2007 Code, sec. 150.17(B); Ordinance adopting 2017 Code)

3.10.144 Abandoned Or Damaged Billboards

1. All abandoned billboards and their supports shall be removed within 30 days from the date of abandonment. All damaged billboards shall be repaired or removed

Glen Rose

within 30 days. The building official or designee shall have the authority to grant a time extension not to exceed an additional 30 days for an abandoned, undamaged billboard.

2. Should the responsible party or parties, after due notice, fail to correct a violation of this section, the building official or designee shall cause the signs and their supports to be demolished and removed. If the billboard cannot be demolished because it is painted on a building or other non-sign structure, the sign shall be painted over or removed by sandblasting. The building official or designee shall also file against the property a lien in the amount of the cost of all the work.

(Ordinance 268 adopted 10/8/96; 2007 Code, sec. 150.17(D); Ordinance adopting 2017 Code)

3.10.145 Nonconforming Billboards

All billboards which do not conform to the provisions of this division and are in existence on the effective date of this division shall be permitted to remain for a time period not exceeding 10 years from the effective date of this division, provided the owners of nonconforming billboards shall register the billboard in writing in the office of the building official or designee within 180 days after passage of these regulations. (Ordinance 268 adopted 10/8/96; 2007 Code, sec. 150.17(E); Ordinance adopting 2017 Code)

3.10.146 Notice Of Noncompliance

It shall be the right of the code enforcement officer or his or her representative, upon having personal knowledge of the violation of this division, to serve written notice to the owner/lessee either by hand delivering in person or by depositing notice in the United States mail (certified mail, return receipt requested). This notice shall state the nature of the violation, the legal address of the property in violation, and the name of the person to whom the notice is sent or delivered. Upon being served the notice, the owner or lessee or any other person having contro