

10' H.L. & P. ESMT. w/5' AERIAL
ESMT. ADJOINING BOTH SIDES
VOL. 1309 PG. 211

173:61
LY GRIFFIN

*2.3 + ENGINEER:
MUNICIPAL ENGINEERING CO., INC.
3301 FEDERAL STREET
PASADENA, TEXAS 77504
PHONE (713) 941-8988

OWNER:
JOE LOSSEN
2707 GREEN TEE
PEARLAND, TEXAS 77581
PHONE: (713) 485-6726

PRELIMINARY PLAT
OF
LOSSEN SUBDIVISION

PLAT OF A 0.9984 ACRE TRACT OUT OF THE
W.D.C. HALL LEAGUE, ABSTRACT #70, ALSO BEING THE SAME
TRACT OF LAND AS DESCRIBED BY DEED TO MARVIN N. WENKE
AND WIFE MILDRED L. WENKE AS RECORDED IN VOLUME 748,
PAGE 668 OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS.

CONTAINING

2 LOTS

1 BLOCK

DECEMBER 1, 1988



SCALE: 1" = 20'

AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON DECEMBER 20, 1988 AT 7:30 P. M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. APPROVAL OF MINUTES: Meeting of November 29, 1988

III. NEW BUSINESS:

A. CONSIDERATION AND POSSIBLE ACTION ON THE FOLLOWING:

1. APPROVAL OF PRELIMINARY PLAT OF LOSSEN SUBDIVISION, 0.9984 ACRE TRACT OUT OF THE W.D.C. HALL LEAGUE, ABSTRACT #70, AS RECORDED IN VOLUME 748, PAGE 668 OF THE DEED RECORDS OF BRAZORIA COUNTY. (2005 E. BROADWAY)
2. APPROVAL OF FINAL PLAT OF LOSSEN SUBDIVISION, 0.9984 ACRE TRACT OUT OF THE W.D.C. HALL LEAGUE, ABSTRACT #70, AS RECORDED IN VOLUME 748, PAGE 668 OF THE DEED RECORDS OF BRAZORIA COUNTY. (2005 E. BROADWAY)

B. CONSIDERATION AND POSSIBLE ACTION ON THE FOLLOWING PROPOSED AMENDMENTS TO THE LAND USE AND URBAN DEVELOPMENT ORDINANCE NO. 509 AND AMENDMENT OF THE LAND USE DISTRICT MAP:

1. AMENDMENT OF ORDINANCE NO. 509-A, SECTION 22, SIGN ORDINANCE.
2. REZONING OF SUBDIVISIONS AS FOLLOWS:
 - a. GREEN TEE SUBDIVISION TOWNHOUSE RESERVE, BLOCKS 3, 7, AND 1/2 OF 8, SECTION I AND 1/2 OF BLOCK 8, SECTION II FROM R-3 TO R-4.
 - b. CORRIGAN SUBDIVISION, SECTIONS 1-5 FROM R-4 TO R-2.
 - c. WILLOWICK SUBDIVISION FROM R-4 TO R-2.
 - d. SPRINGFIELD SUBDIVISION FROM R-3 TO R-2.
 - e. KNOTTINGHAM SUBDIVISION (NO ZONE INDICATED) TO R-2
3. AMENDMENT OF MINIMUM PARKING AREA REQUIREMENTS FOR TYPICAL PARKING ANGLES FROM THE REQUIRED 10' STALL WIDTH TO 9' WIDTH.

IV. ADJOURN

POSTED: 16 DAY OF December, A. D., 1988, 3 P.M.

REMOVED: 21 DAY OF December, A. D., 1988.

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON DECEMBER 20, 1988, AT 7:30 P. M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

The meeting was called to order with the following present:

Chairman	Leroy Savoie
Vice Chairman	Al Lentz
Member	Clyde Starns
Member	Benny Frank
Member	Helen Beckman
Code Enforcement Officer	Ernesto Buenrostro
Assistant City Secretary	Pat Vaught

Absent from the meeting: Commission Members Mary Starr and James Garner were absent, having excused absences.

APPROVAL OF MINUTES

It was moved by Al Lentz, seconded by Helen Beckman, that the minutes of the meeting of November 29, 1988, be approved as submitted.

Motion passed 3 to 0, with Benny Frank and Clyde Starns abstaining.

NEW BUSINESS

APPROVAL OF PRELIMINARY PLAT OF LOSSEN SUBDIVISION, 0.9984 ACRE TRACT OUT OF THE W.D.C. HALL LEAGUE, ABSTRACT #70, AS RECORDED IN VOLUME 748, PAGE 668 OF THE DEED RECORDS OF BRAZORIA COUNTY. (2005 E. BROADWAY)

Code Enforcement Officer Ernesto Buenrostro stated he had reviewed both the preliminary and the final plat of Lossen Subdivision and they were in compliance except for submission of the title certificate which is required by the Subdivision ordinance.

In examining the plat, the Commission discussed net lot sizes and felt these areas were unclear on the plat, feeling the plat should be so designated that the right-of-way would become City property and property lines delineated as such.

It was discussed that Lot 1 of an unrecorded addition was being subdivided, while Lot 2, owned by the same individual, also in an unrecorded addition, was not included in the plat because only the front tract is being transacted at this time. At a developmental meeting on October 26, 1988, it was determined that the lot sizes did not fit within the zoning ordinance and Mr. Lossen was advised that in order to plat he would have to go before the Zoning Board of Adjustment and request a variance from that Board. On November 7, 1988, the Board granted a variance and Mr. Lossen's next step was to have it platted because it was found that it was never a platted, recorded subdivision.

It was determined, if the plats were approved, the buildings will be non-conforming because they are built over the required building lines. The Commission requested that Mr. Buenrostro explain to those in the audience having an interest in this property what constituted a non-conforming building. Mr. Buenrostro explained that if the buildings were destroyed due to fire, wind, etc., they would have to be reconstructed in full conformance to the ordinance which would mean placing the buildings which are presently located over the building lines back on the required building lines.

Member Al Lentz suggested that temporary building lines be drawn on the plat for future reference so if the building is destroyed the temporary building line will revert back to 25' under the current zoning ordinance. Code Enforcement Officer Ernie Buenrostro suggested it could instead be addressed in a letter. The Commission questioned the permitting process and stated the problem lay with the roadway easement on Hamm Road. Mr. Lossen stated this had not shown up on the original survey when he closed.

Mr. Buenrostro explained the building was permitted under the old zoning ordinance when the area was zoned NS (Neighborhood Service) and as such there was no side yard requirement unless a non-commercial district abuts a residential district in which a minimum 10' side yard shall be provided. The Commission discussed front, side and rear yards under the new and old zoning ordinances and their application to Lots A and B.

The Commission discussed the zoning of surrounding property and requirements for building lines abutting these zones.

Chairman Savoie asked for the Zoning Board of Adjustment ruling on this property and the minutes from this meeting were provided which stated that the Board had granted a variance to the required minimum lot size of 22,500 square feet and the minimum lot width of 150 feet on November 7, 1988.

The response as to why this matter went to the Zoning Board of Adjustment before coming to the Planning and Zoning Commission was that without the ZBA granting the variance to the minimum lot sizes, it was no use in platting and trying to subdivide.

After much discussion, the Commission agreed it should seek the advice of the city attorney regarding the authority of the P & Z Commission to grant variances to building lines and when these issues should be addressed before making an affirmative motion.

It was moved by Benny Frank, seconded by Al Lentz, that approval of the preliminary plat of Lossen Subdivision be tabled until an opinion is received from the city attorney.

Motion passed 5 to 0.

APPROVAL OF FINAL PLAT OF LOSSEN SUBDIVISION, 0.9984 ACRE TRACT OUT OF THE W.D.C. HALL LEAGUE, ABSTRACT #70, AS RECORDED IN VOLUME 748, PAGE 668 OF THE DEED RECORDS OF BRAZORIA COUNTY. (2005 E. BROADWAY)

This item was passed until approval of the preliminary plat could be acted upon.

During this time the Commission discussed the county accepting metes and bounds instead of approved plats and the city attorney writing a letter to the County

addressing this.

AMENDMENT OF ORDINANCE NO. 509-A, SECTION 22, SIGN ORDINANCE

It was moved by Al Lentz, seconded by Benny Frank, to table this item for further review, study and possible workshop.

Motion passed 5 to 0.

While realizing the need for expediting these needed amendments, the Commission felt the need for unanimity and correctness. They expressed a desire to know the intent of the Sign Review Committee on some of the proposed amendments.

REZONING OF VARIOUS SUBDIVISIONS

Code Enforcement Officer Ernesto Buenrostro recommended to the Commission changing the zones of these subdivisions so they would be more compatible with the use intended or to the zone it was in the previous ordinance. In the case of the Green Tee Townhouse Reserve, three blocks, 3, 7, and 8, were previously zoned M-F and allowed 5' side yards and townhomes on the property lines. The present classification, R-3, is more restrictive and does not allow for what is desired to be built in the area or what was previously allowed.

It was moved by Al Lentz to approve the rezoning of subdivisions as follows: Green Tee Subdivision Townhouse Reserve, Blocks 3, 7, and 1/2 of 8, Section I and 1/2 of Block 8, Section II from R-3 to R-4; Corrigan Subdivision, Sections 1-5 from R-4 to R-2; Willowick Subdivision from R-4 to R-2; Springfield Subdivision from R-3 to R-2; and Knottingham Subdivision (no zone indicated) to R-2.

It was noted by Code Enforcement Officer Ernesto Buenrostro that Knottingham Subdivision should read Sherwood Subdivision.

The maker of the motion amended the motion to change Sherwood Subdivision (instead of Knottingham) from no zone indicated to R-2. The motion was seconded by Clyde Starns.

Motion passed 5 to 0.

AMENDMENT OF MINIMUM PARKING AREA REQUIREMENTS FOR TYPICAL PARKING ANGLES FROM THE REQUIRED 10' STALL WIDTH TO 9' WIDTH

It was discussed that 9' is the commonly used standard width for parking.

It was moved by Benny Frank, seconded by Helen Beckman, that the 10' stall width be changed to a 9' stall width.

Motion passed 5 to 0.

GENERAL DISCUSSION

In a general discussion, the Commission decided not to remove the proposed Amendments to the Sign Ordinance from the table. They did discuss some of them and felt it would be profitable to have a workshop with the Sign Ordinance Review Committee at the next regular meeting.

ADJOURN

The meeting adjourned at 9:28 P. M.

Minutes approved as submitted and/or corrected this 10 day of January,
A. D., 1989.

Leroy J. Savie
Chairman

ATTEST:

Pat Vaught
Assistant City Secretary



City of Pearland

P. O. Box 2068 • Pearland, Texas 77588-2068 • 485-2411

January 5, 1989

Honorable Mayor and Councilmembers
City Hall
Pearland, Texas

Dear Members:

In a regular meeting held on December 20, 1988, the Planning and Zoning Commission considered the following amendments to Land Use and Urban Development Ordinance No. 509 and amendment of the Land Use District Map:

REZONING OF VARIOUS SUBDIVISIONS:

It was moved by Al Lentz to approve the rezoning of subdivisions as follows: Green Tee Subdivision Townhouse Reserve, Blocks 3, 7, and 1/2 of 8, Section I and 1/2 of Block 8, Section II from R-3 to R-4; Corrigan Subdivision, Sections 1-5 from R-4 to R-2; Willowick Subdivision from R-4 to R-2; Springfield Subdivision from R-3 to R-2; and Sherwood Subdivision from no zone indicated to R-2. The motion was seconded by Clyde Starns. Motion passed 5 to 0.

AMENDMENT OF MINIMUM PARKING STALL WIDTHS

It was moved by Benny Frank, seconded by Helen Beckman, that the 10' stall width be changed to a 9' stall width. Motion passed 5 to 0.

The Commission is submitting this for Council's consideration.

Sincerely,

Leroy Savoie, Chairman
Planning and Zoning Commission

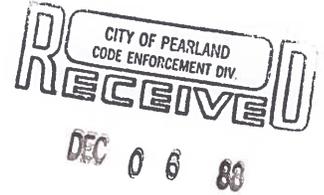
LS/EB:pv

BRAZORIA COUNTY DRAINAGE DISTRICT NO. 4

P.O. BOX 341

PEARLAND, TEXAS 77588-0341

PHONE: 713/485-1434



December 5, 1988

City of Pearland
P.O. Box 2068
Pearland, Texas 77588-2068

ATTENTION: MR. W.K. THOMASSET, P.E.,
DIRECTOR OF PUBLIC WORKS

Dear Mr. Thomasset,

This letter is to inform you that Brazoria County Drainage District No. 4 has reviewed the Preliminary and Final Plats of Lossen Subdivision and find the plats to be acceptable.

Yours truly,


LLOYD YOST,
General Manager

LY/gr

TALTON IS TO REVISE
CAPTION IN DRAFT
FORM FOR US
Jui
Review for
Spelling

EB

ORDINANCE NO. 509-A-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING ORDINANCE NO. 509, THE ZONING ORDINANCE OF THE CITY OF PEARLAND BY AMENDING SECTION 22, SIGNS, SPECIFICALLY SECTION 22-1, SIGNS REQUIRING PERMITS, (G), (N), SECTION 22-3, MEASUREMENTS, (1), (2), SECTION 22-4, HEIGHT RESTRICTIONS, (1), SECTION 22-7, PORTABLE SIGN LIMITATIONS, (1), (2), (3), (4), SECTION 22-11, PROHIBITED SIGNS, ADVERTISING, LIGHTING, (7), SECTION 22-16, SIGN REGISTRATION, (1), (2), (3), (4), SECTION 22-17, BUILDER/SUBDIVISION SIGNS, (1), (2), (3), (4), AND AMENDING TABLE VII OF SECTION 4 THERETO; PROVIDING A PENALTY FOR VIOLATION; HAVING A SEVERABILITY CLAUSE; HAVING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City Council has received the recommendations of the Planning and Zoning Commission concerning the matters herein dealt with, which recommendations were made after the holding of a joint public hearing before said Commission and City Council on such matters; and,

WHEREAS, notice has been published of the time and place of a joint public hearing held before the City Council and Planning and Zoning Commission concerning the changes herein made, which public hearing has been duly held; and,

WHEREAS, the City Council has determined that the amendment to the Zoning Ordinance of the City of Pearland herein made is in the best interest of the health, safety and general welfare of the citizens of the City of Pearland; and,

WHEREAS, the Legislature under Chapter 216, V. T. C. A. Local Government Code, has established limitations upon the regulations of signs, particularly with respect to the removal of non-conforming signs; and,

WHEREAS, Chapter 216, V. T. C. A. Local Government Code, also authorizes the regulation of signs outside City limits but within its extraterritorial jurisdiction, as an alternative to regulation of such areas by the State of Texas; and,

WHEREAS, the City Council desires to establish a comprehensive set of sign regulations for the City in order to protect property values and individual safety, as well as the aesthetic sensibilities and general welfare of all who use public

thoroughfares and are exposed to competition from advertising signs for their attention, and to promote the orderly growth and development of the City;

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

Section 1. THAT Ordinance 509, the Zoning Ordinance of the City of Pearland be amended by amending Section 3 thereof by deleting the terms "Sign (Billboard)," "Sign Pole Type (On-Premise)," and the definitions thereof and adding the following:

- "(1) 'Building sign' means a sign attached against building fronts or exposed walls, or parallel to the face of the building atop a marquee.
- (2) 'Free standing sign' means a sign supported solely by posts or structures other than a building.
- (3) 'Marquee sign' means a free standing sign with slots or wires for inserting individual letters so that a message may be changed.
- (4) 'Off-premise sign' means a sign displaying advertising copy that pertains 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.
- (5) 'Off-premise portable sign' means an off-premise sign which is a portable sign.
- (6) 'Portable sign' shall mean any sign designed or constructed to be easily moved from one location to another, including, but not limited to, signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier, A-frame, or other non-motorized mobile structure; a portable sign which has its wheels removed shall still be considered a portable sign hereunder. For the purpose of this chapter, trailer signs and signs on benches are 'portable signs'.
- (7) 'On-Premise sign' means a sign identifying or advertising a business, person or activity, and installed on the same premises as such business, person or activity.

- (8) 'On-premise portable sign' means an on-premise sign which is a portable sign.
- (9) 'Sign' means an outdoor structure, display, light device, figure, painting, drawing, message, plaque, poster, flag or any other thing that is designed, intended or used to advertise, inform or attract.
- (10) 'Temporary Sign' means any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, plywood, or other light materials with short life expectancies. A portable sign shall not be considered a temporary sign.

Section 2. THAT Ordinance 509, the Zoning Ordinance of the City of Pearland be amended by adding thereto a new Section 22 which reads as follows:

SECTION 22 - SIGNS

Sec. 22-1. Signs requiring permits.

- (1) No sign shall be erected, created or constructed after the effective date of this ordinance without a permit issued by the Building Official or his designee, except as provided herein.
- (2) Every applicant, before being granted a permit, shall pay an inspection fee, the amount of which shall be established and amended by resolution or ordinance of the Council and on file in the office of the City Secretary.
- (3) Portable Signs will be permitted subject to the terms of Section 22-7.
- (4) No permit shall be required for the following signs:
 - (a) Signs advertising the sale or lease of real property on which they are located. Real estate signs shall not exceed 32 square feet per sign face and shall not exceed six feet above ground level.
 - (b) A previously permitted sign in existence before the effective date of this ordinance.
 - (c) A sign that has as its purpose the protection of life and property.

- (d) A sign or marker giving information about the location of underground electric transmission lines, telegraph or telephone properties and facilities, pipelines, public sewers, or water lines or other public utilities.
- (e) A sign erected by an agency of the state or a political subdivision of the state, which may or may not be located on public property.
- (f) A sign erected solely for and relating to a public election, but only if:
 - 1. the sign is on private property;
 - 2. the sign is erected no sooner than the 60th day before the election and is removed no later than the 15th day after the election;
 - 3. the area of the sign does not exceed thirty-two (32) square feet per sign face;
 - 4. the sign does not exceed six (6) feet in height;
 - 5. the sign is self-supporting.
- (g) On-site directional and informational signs not exceeding two (2) square feet.**
- (h) One unlighted or indirectly lighted sign with names and/or street numbers so long as the area of such sign does not exceed one (1) square foot for each dwelling unit.
- (i) Bulletin boards not over sixteen (16) square feet per face in area for public, charitable or religious institutions when the same are located on the premises of such institutions.
- (j) One temporary construction sign denoting the architect, engineer, financial institution, contractor, or other principal parties when placed upon the site under construction and not exceeding thirty-two (32) sq. ft. per sign face.
- (k) Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry

surface or when constructed of bronze or other non-combustible materials.

- (l) Flags, emblems and insignia of any governmental body, decorative displays for holidays or public demonstrations which do not contain advertising and are not used as such and which do not exceed thirty-five (35) feet in height and one hundred (100) square feet in area.
- (m) Temporary signs advertising occasional non-commercial sales (including garage sales, patio and porch sales) shall be limited to three (3) signs not to exceed two (2) square feet each. Signs shall be removed within two (2) days following such sale. Such signs shall not be allowed more frequently than three (3) times a year. Signs shall not be located on public property or utility poles.
- (n) **Banners and decorations erected announcing civic, patriotic events and/or seasonal celebrations and for any other purpose shall not remain for more than sixty (60) days.**
- (o) Subdivision identification sign or signs not exceeding one hundred twenty (120) square feet per sign face installed at entrances to subdivisions and containing no more than the name of the subdivision. Subdivision signs shall not be located on public rights-of-way.
- (p) Signs announcing special events for nonprofit organizations and service groups. These signs may be posted up to fourteen (14) days prior to the subject event and shall be removed within five days after the event. Such signs shall require no permit. Signs of this type posted on private property shall require the consent of the property owner. No such signs shall be posted on public property unless the event is being sponsored by an organization partially or wholly funded by public funds or a governmental agency or being sponsored by a group or organization using publicly owned facilities. No such signs shall be allowed under any circumstances on a public street. These signs shall not exceed thirty-two (32) square feet per sign face.

Sec. 22-2. Application for Permit.

Applications for permits shall contain or have attached thereto the following information:

- (1) Name, address and telephone number of the person or company which will own the sign.
- (2) Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
- (3) Two (2) sets of plans shall be submitted showing the sign location in relation to nearby buildings or structures, signs, property lines, driveways, public streets, fences and sidewalks.
- (4) Two (2) sets of plans and specifications showing method of construction and attachment to the building or ground, size, type, height, construction materials, wind load calculations and such other information as the Building Official may require.
- (5) Name, address and telephone number of person, firm, corporation, or association erecting the sign.
- (6) For portable signs, the name, address and telephone number of person, firm, corporation or association using the sign for advertising. Also, the number of days of sign usage being requested.
- (7) Zoning classification of the property.
- (8) Such other information as the Building Official shall require to show compliance with this and all other ordinances of the City.

Sec. 22-3. Measurements.

- (1) **The area of any sign shall be deemed to be the computed area of one sign face, including cutouts.**
- (2) **Maximum sign height shall be measured from the highest point on the sign to the elevation of the center line of the street from which the sign is to be viewed.**

Sec. 22-4 Height Restrictions.

- (1) **No free standing sign shall exceed thirty (30) feet**

above the elevation of the center line of street from which sign is to be viewed.

- (2) Building signs shall not exceed four (4) feet above roof line.
- (3) Any sign over a walkway must have a minimum of eight (8) feet clearance over the walkway.

Sec. 22-5. Size and Type Restrictions by Zoning District.

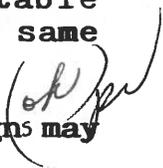
Except as authorized by Table VII, no sign requiring a permit shall be allowed within the City's jurisdiction. Signage shall not exceed the maximums therein provided.

Sec. 22-6. Frontage on more than one street.

- (1) If a use has street frontage on a corner, street frontage for the purpose of calculation of sign area shall be either:
 - (a) In the case of a sign erected on a building, the frontage of the building on the street which the sign faces.
 - (b) In the case of a free standing sign more than three hundred (300) feet from an intersection of any public street, the frontage of the street closest to the sign, or if equidistant from two (2) or more streets, the longest such frontage.
 - (c) In the case of a free standing sign less than three hundred (300) feet from an intersection, the frontage to be used in calculation shall be the street upon which the largest business building on such property faces.
- (2) If a use has street frontage on more than one street, but not on a corner, such business shall be entitled to signs as allowed by Table VII on each street.

Sec. 22-7. Portable sign limitations.

- (1) **Each lawfully operating business shall be allowed the use of one (1) on-premise portable sign for ninety (90) days during each calendar year; provided, however, that each usage of such portable sign shall be in increments of no less than fourteen (14) consecutive days.**

- (2) A portable sign permit shall be obtained by each business for each use of a portable sign. Specifically, a permit will be required in the following situations:
 - (a) Prior to installation and use of a portable sign.
 - (b) Prior to use of an existing installed portable sign by a different business located in the same shopping center.
- (3) In accordance with Section 22-1-4 (P) portable signs may be used as a special event sign. 

Fees for a portable sign permit shall be established by City Council. Each on-premise portable sign shall have its permit securely attached and visible.

- (4) When a state of emergency is declared due to adverse weather conditions, portable signs shall be removed.

Sec. 22-8. Wind loads.

All signs shall be designed, constructed and installed to withstand a wind pressure of not less than thirty (30) pounds per square foot per sign face.

Sec. 22-9. Obstruction to doors, windows or fire escapes.

No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape.

Sec. 22-10. Signs not to constitute traffic hazard.

No sign shall be erected or maintained in such a manner as to obstruct free and clear vision; or at any location where by reason of position, shape, color, degree, manner, or intensity of illumination it may interfere with vehicular or pedestrian traffic. Pursuant to the foregoing, no sign shall be erected or maintained in such manner as to be likely to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device. No sign shall be erected or maintained in a visibility triangle as defined in Section 3 of the Zoning Ordinance of the City of Pearland.

Sec. 22-11. Prohibited signs, advertising, lighting.

- (1) No person shall attach any sign, paper, other material, or paint, stencil, or write any name, number (except

house numbers), or otherwise mark on any sidewalk, curb, gutter, street, utility pole, trees, public building, fence or structure unless authorized by this ordinance.

- (2) No sign shall be illuminated to any intensity greater than two hundred (200) lamberts. The restrictions of luminance shall be determined from any other premise or from any public right-of-way other than an alley. Lights shall be shielded to prevent the source of lighting from being directly visible from residential property.
- (3) No portion of any sign shall be erected upon or over public property, except as specifically authorized by this ordinance.
- (4) Signs and advertising devices which move, flash, rotate, blink, change color, or are animated are prohibited; provided, however, this section shall not be deemed to prohibit devices displaying time, temperature and messages spelled out electronically.
- (5) Signs and advertising devices which produce noises discernible from more than fifty (50) yards away are prohibited.
- (6) No sign shall be erected in a floodway zone without the approval of the Building Official.
- (7) **No on-premise free standing sign shall be located within seventy-five (75) feet of another on-premise free standing sign on the same side of the street or highway.**
- (8) All "off-premise signs" and "off-premise portable signs" are expressly prohibited unless specifically authorized by this ordinance.
- (9) Signs which contain statements, words, or pictures of an obscene, indecent, or immoral character that would offend public morals or decency are prohibited.
- (10) Signs placed on the side or rear of any building or property when such sign faces upon a contiguous residential area.
- (11) Signs which contain or have attached thereto banners, posters, pennants, ribbons, streamers, strings of light

bulbs, spinners, or other similar devices are prohibited.

Sec. 22-12. Compliance with other Codes.

All signs shall comply with all other City Codes, including the Electrical and Building Codes.

Sec. 22-13. Maintenance.

All signs, together with all supports, braces, guys and anchors shall be kept in good repair by the owner of the sign or the person in charge of the premises. Failure to keep a sign in good repair as defined in the Pearland Building Code shall be deemed cause for removal if the owner of the sign or person in charge thereof fails to make such repairs within thirty (30) days of notice from the Building Official of deficiencies.

Sec. 22-14. Unsafe signs.

If the Building Official shall find that any sign is unsafe and is a menace to the public, he shall give notice to the permittee thereof in the same manner as is provided in the Building Code for notice of unsafe buildings. If the permittee fails to remove or repair the sign within the time provided in such notice, such sign may be removed at the expense of the permittee. The Building Official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

Sec. 22-15. Replacement or repair of sign.

- (1) When any sign, or a substantial part of it, is blown down or otherwise destroyed or taken down or removed for any purpose other than maintenance operations or for changing the letters, symbols or other matter on the sign, it may not be replaced, reerected, reconstructed, or rebuilt except in full conformance with the provisions and requirements of this ordinance.
- (2) For purposes of Subsection (1) of this section, a sign or substantial part of it is considered to have been destroyed only if the cost of repairing the sign is more than fifty (50) per cent of the cost of erecting a replacement sign of the same type at the same location.

Sec. 22-16. Sign registration.

Every person, firm, group, organization, corporation, association or other entity which has an erected sign on the effective date of this

ordinance shall register these signs with the City Building Official within 120 days after the effective date of this amendment unless said person, firm, group, organization, corporation, association or other entity has previously registered its sign. This registration on the part of the owner will consist of notifying the City Building Official of the existence of signage. Inspection, measurement, and recording of signage will be done by the City. The City Building Official shall determine if the preexisting sign meets the requirements of this ordinance.

- (1) Conforming use: If such preexisting sign meets the requirements of this ordinance, the City Building Official shall issue to the applicant "Notice of Registration of a Conforming Sign(s)."
- (2) Nonconforming use: If such preexisting sign does not meet the requirements of this ordinance, the City Building Official shall issue to the applicant a registration entitled "Sign Registration Nonconforming Use." Such sign shall then be subject to the requirements of Section 22-15, "Replacement or Repair of Sign."
- (3) Unsafe signs: If such preexisting sign is found to be unsafe and a menace to the public by the City Building Official, such sign shall then be subject to the requirements of Section 22-14, "Unsafe Signs."

Sec. 22-17 Builder/Subdivision Signs.

Builder/Subdivision signs will be permitted with the following restrictions:

- (1) One builder/subdivision sign may be located at the main entrance of any new subdivision. Four (4) additional directional signs may be located off-site at appropriate locations.
- (2) The maximum area of a builder/subdivision sign shall not exceed 130 square feet.
- (3) The maximum area of a subdivision directional sign shall not exceed 96 square feet.
- (4) Such sign(s) shall be removed after a period of five years or when the subdivision is 90% sold out, whichever occurs first.

Sec. 22-18. Application to extraterritorial jurisdiction.

This Section 22, together with all applicable definitions, shall, pursuant to the authority of Chapter 216, V. T. C. A. Local Government Code, apply to the City's extraterritorial jurisdiction. Property within the extraterritorial jurisdiction of the City shall be permitted the same signs as if such property was within the City and zoned M-2.

Section 3. THAT Ordinance 509, the Land Use and Urban Development Ordinance, be amended by deleting from Table III in Appendix A the uses described as "Signs, (Billboards) Advertising" and "Signs, Pole Type (On-Premise)."

Section 4. THAT Ordinance No. 509, the Zoning Ordinance of the City of Pearland, be amended by adding thereto a new Table VII to read as follows:

Table VII

<u>Zoning District</u>	<u>Sign Type</u>	<u>Maximum Area of All Signs Allowed for a Business With Frontage</u>
SD, R-1, R-2, R-3, R-4, FW	Signs permitted under the "Special Provisions" portion of this table and signs not requiring permits are allowed in these districts.	
MF, MH	On-premise building sign; On-premise free standing	120 square feet
OP	On-premise signs only: 1. Building sign 2. Free standing sign (marquee sign allowed)	120 square feet

NS	On-premise building, free standing, marquee and portable signs allowed	<p>Free Standing: 2 square feet per lineal foot of building frontage up to a maximum of 160 square feet</p> <p>Building Sign: 1 square foot per lineal foot of building frontage up to a maximum of 80 square feet</p>
GB	On-premise building, free standing, marquee and portable signs allowed	<p>Free Standing: 2 square feet per lineal foot of building frontage up to a maximum of 200 square feet</p> <p>Building Sign: 1 square foot per lineal foot of building frontage up to a maximum of 100 square feet</p>
C	On-premise building, free standing, marquee and on-premise portable signs allowed	<p>Free Standing: 2 square feet per lineal foot of building frontage up to a maximum of 300 square feet</p> <p>Building Sign: 1 square foot per lineal foot of building frontage up to a maximum of 150 square feet</p>
PUD	On-premise building and free standing signs located and described on site plan	Limited only by site plan and zoning limitations.

M-1, M-2

On-premise free standing, building and on-premise portable signs allowed.

Free Standing:
2 square feet of sign area for each lineal foot of street frontage not to exceed 300 square feet per face, no more than 600 square feet maximum

Building Sign:
1 square foot of sign area for each lineal foot of street frontage not to exceed 150 square feet per face, no more than 300 square feet maximum

Special Provisions:

Churches, colleges, government-owned buildings and institutional educational uses shall be allowed on-premise building, marquee and free standing signs not exceeding 100 square feet per sign face.

Churches, colleges, government-owned buildings and institutional educational uses shall be allowed one off-premise sign, for directional purposes, not to exceed 32 square feet per face.

EXCEPTIONS TO TABLE VII:

1. In the case of a business with frontage of less than 50', a building sign(s) not to exceed 50 square feet total shall be allowed.
2. In the case of a business with frontage of less than 25', a free standing sign(s) not to exceed 50 square feet total shall be allowed.
3. All or a portion of unused allowed square footage for a building sign(s) may be added to free standing sign, but in no case may free standing sign square footage be added to building sign(s).

Section 5. Any person, firm or corporation violating any provision of this ordinance as read together with the Zoning Ordinance of the City of Pearland shall be deemed guilty of a misdemeanor and upon final conviction thereof fined in an amount not to exceed Two Thousand Dollars (\$2,000.00). Each and every day any such violation continues or is allowed to exist shall constitute a separate offense.

Section 6. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application and to this end the provisions of this ordinance are declared to be severable.

Section 7. All provisions of prior ordinances of the City in conflict with any provision of this ordinance are hereby repealed, but only to the extent of any such conflict. (~~The moratorium on off-premise signs, heretofore passed by Ordinance of the City Council, is in all things repealed at the effective date of this Ordinance.~~)

Section 8. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause of this ordinance as provided by law.

PASSED, APPROVED and ADOPTED on first reading this _____ day of _____, A. D., 1988.

Mayor

ATTEST:

City Secretary

PASSED, APPROVED and ADOPTED on second and final reading this

_____ day of _____, A. D., 1988.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney