



# City of Pearland

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

January 10, 1991

Honorable Mayor and City Council  
City Hall  
Pearland, Texas

Dear Members:

At their meeting held on January 8, 1991, the Planning and Zoning Commission considered the four changes proposed by the City Council to the amendments to the Sign Ordinance.

The Commission discussed each change with City Manager Jim DeShazer and the following recommendation was made in the form of a motion by Benny Frank and was seconded by Mary Starr:

1) Section 1 (9) The definition of a sign as proposed by the Council was recommended for approval; 2) Section 22-17 (3) "with a length to width ratio of 3:1: was recommended for approval as "with a length to width ratio not to exceed 3:1" to avoid possible future misunderstandings in the way the ordinance is interpreted; 3) under Special Provisions, which allows the Zoning Board of Adjustment to grant additional off-premise directional signs, the phrase "or as amended" is recommended to be added at the end of the sentence which would allow the Comprehensive Development Plan to be amended without having to amend the sign ordinance also; 4) Section 3, addressing the fine - the Planning and Zoning Commission can not impose fines. However, the members did express concerns about the wording of this ordinance. The "Sign Ordinance" is actually Section 22 of the Land Use and Urban Development Ordinance (Ord. No. 509) of the City. Section 29.6 of Ord. No. 509 contains a "Penalty Clause" which states a fine for violating this ordinance which can be levied in an amount NOT TO EXCEED \$1,000.00 per occurrence per day. The Commission expressed concerns regarding the legality of placing two fines in an ordinance of this nature. The Commission recommends that the penalty clause be restated and/or eliminated to track Section 29.6; and 5) all other previous recommendations be incorporated into the revised Sign Ordinance.

HONORABLE MAYOR AND CITY COUNCIL  
January 10, 1991  
Page Two

This motion passed 5 to 0.

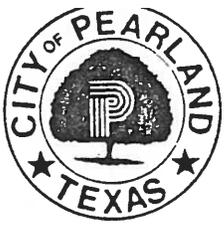
This is submitted for your consideration.

Sincerely yours,

Handwritten signature of Al Lentz in cursive script, followed by the initials 'pj'.

Al Lentz, Chairman  
Planning & Zoning

AL:pj



# City of Pearland

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

FAX: (713) 485-8764

## FAX CORRESPONDENCE

DATE: 1-10-91

FROM: Pat Jones

TO: Al Lentz

NO. OF PAGES: 2 INCLUDING THIS COVER PAGE

SUBJECT: STIGAN  
ORD !!



# City of Pearland

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

TO: MEMBERS OF PLANNING & ZONING COMMISSION  
FROM: JIM DESHAZER, CITY MANAGER  
DATE: JANUARY 4, 1991  
SUBJECT: ORDINANCE NO. 509-A-2 (SIGN ORDINANCE)

The Council at their meeting on December 17, 1990, submitted amendments to the changes in Ordinance No. 509-A-1. These amendments are highlighted on the attached copy for your review.

In accordance with Ordinance No. 509, Section 28.2, the changes must be approved by the Planning & Zoning Commission before Council can take action on any amendments that they desire to make.

I will be attending your meeting and try to answer any questions you may have in this matter.

  
\_\_\_\_\_  
Jim DeShazer, City Manager

JOD/tjv  
Attachment

**MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON JANUARY 8, 1991, 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	Al Lentz
Commissioner	Benny Frank
Commissioner	Mary Starr
Commissioner	James Garner
Commissioner	Helen Beckman
City Manager	Jim DeShazer
City Engineer	Dick Qualtrough
City Secretary	Pat Jones

Commissioner Leroy Savoie had an excused absence.

**APPROVAL OF MINUTES**

It was moved by Benny Frank, seconded by Helen Beckman, that the Minutes of the meeting of December 4, 1990, be approved as submitted.

Motion passed 4 to 0, with James Garner abstaining.

**NEW BUSINESS**

**AMENDMENTS PROPOSED BY CITY COUNCIL UNDER ORDINANCE NO. 509-A-2, SIGN ORDINANCE**

Chairman Lentz introduced Jim DeShazer, City Manager, who was present to speak with the Commission regarding the amendments proposed by the City Council under Ordinance No. 509-A-2.

Mr. DeShazer informed the Commission there had been a reorganization in the City operations and Mr. Buenrostro will no longer be working with the Planning and Zoning Commission. At this time, he or Dick Qualtrough of the Engineering Department will be covering these meetings and other related needs, Mr. DeShazer stated.

Mr. DeShazer discussed the four changes suggested by the City Council, stating they were not of major significance but due to the requirements of the zoning ordinance, any amendments must be brought before the Commission for their recommendation for approval.

The first change, Mr. DeShazer related, is found in Section 1, (9) which gives the definition of a sign. Mr. DeShazer stated this definition was furnished by the City Attorney.

The second change, Mr. DeShazer continued, is found in Section 22-17 (3) which addresses a length to width ration of 3:1. The rationale for this change was to prohibit a 1' by 32' sign.

The third change the City Manager discussed is found under Special Provisions which adds the following sentence: "Additional off-premise directional signs may be authorized by the Zoning Board of Adjustment along major thoroughfares as defined on Page 2-39 of the Pearland Comprehensive Development Plan (1978)."

The final change discussed is found in Section 3 having to do with the amount of the fine which could be levied for non-compliance. The Council requested this be an amount not to exceed \$200.00.

Chairman Lentz recognized Nick Boyko, Chairman of the Zoning Board of Adjustment, in the audience and Mr. Boyko stated his desire to see the Sign Ordinance resolved.

The Commission discussed each change with Mr. DeShazer and the following recommendation was made in the form of a motion by Benny Frank and was seconded by Mary Starr:

- 1) Section 1 (9) The definition of a sign was recommended for approval;
- 2) Section 22-17 (3) "with a length to width ratio of 3:1" was recommended for approval as "with a length to width ratio not to exceed 3:1" to avoid possible future misunderstandings in the way the ordinance is interpreted;
- 3) under Special Provisions, which allows the Zoning Board of Adjustment to grant additional off-premise directional signs, the phrase "or as amended" is recommended to be added at the end of the sentence which would allow the Comprehensive Development Plan to be amended without having to amend the sign ordinance also;
- 4) Section 3, addressing the fine - the Planning and Zoning Commission can not impose fines. However, the members did express concerns about the wording of this ordinance. The "Sign Ordinance" is actually Section 22 of the Land Use and Urban Development Ordinance (Ord. No. 509) of the City. Section 29.6 of Ord. No. 509 contains a "Penalty Clause" which states a fine for violating this ordinance which can be levied in an amount NOT TO EXCEED \$1,000.00 per occurrence per day. The Commission expressed concerns regarding the legality of placing two fines in an ordinance of this nature. The Commission recommends that the penalty clause be restated and/or eliminated to track Section 29.6; and
- 5) all other previous recommendations be incorporated into the revised Sign

Ordinance.

There being no further discussion, motion passed 5 to 0.

Chairman Lentz made note of the letter of resignation from Commissioner Clyde Starns submitted to Council and wished him well in his new venture on the Drainage Commission.

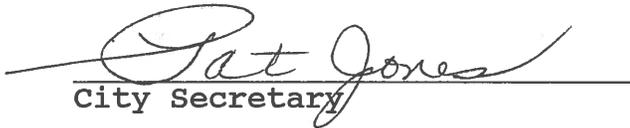
**ADJOURN**

The meeting adjourned at 8:00 P. M.

Minutes approved as submitted and/or corrected this 21 day of January, A. D., 1991.

  
Chairman

ATTEST:

  
City Secretary

ORDINANCE NO. 509-A-2

AN ORDINANCE AMENDING ORDINANCE NO. 509, THE ZONING ORDINANCE OF CITY OF PEARLAND AND ORDINANCE NO. 509-A, BY DEFINING AND REDEFINING THE TERM "SIGN"; BY AMENDING SECTION 22, SIGNS, AT SECTION 22-1, SIGNS REQUIRING PERMITS, SUBSECTIONS (4)(g) AND (4)(n); BY AMENDING SECTION 22-3, MEASUREMENTS; BY AMENDING SECTION 22-4, HEIGHT RESTRICTIONS, SUBSECTION (1); BY AMENDING SECTION 22-7, PORTABLE SIGNS; BY AMENDING SECTION 22-11, PROHIBITED SIGNS, ADVERTISING, LIGHTING, SUBSECTION (7); BY AMENDING SECTION 22-16, SIGN REGISTRATION; BY AMENDING SECTION 22-17, BUILDER/SUBDIVISION SIGNS; BY AMENDING TABLE VII OF SECTION 4 WITH RESPECT TO ZONING DISTRICTS NS, GB, C, M-1, M-2; BY AMENDING THE SPECIAL PROVISIONS; PROVIDING A PENALTY FOR VIOLATION, CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, A REPEALER CLAUSE; PROVIDING FOR PUBLICATION.

WHEREAS, the City Council has received the recommendations of the Planning and Zoning Commission concerning the matters herein after the 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 amendments to the Zoning Ordinance of the City of Pearland herein made are 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:

Section 1. That Ordinance 509, the Zoning Ordinance of City of Pearland, as it may have been from time to time amended, and specifically as it was amended by enactment of Ordinance 509-A, Section 1 (9), be further amended by defining and redefining the term "Sign" as follows:

"(9) 'Sign' means an outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform."

Section 2. That Ordinance 509, the Zoning Ordinance of City of Pearland, as it may have been from time to time amended, and specifically as it was amended by enactment of Ordinance No. 509-A, be further amended at Section 22, Subsections as follows and none other, such that the amended subsections shall hereafter read as follows:

Section 22-1(4)(g) shall hereafter read as follows:

"(g) On-site directional and informational signs not exceeding two (2) square feet."

Section 22-1(4)(n) shall hereafter read as follows:

"(n) Banners and decorations erected announcing civic, patriotic events and/or seasonal celebrations and for any other purpose shall not remain for more than thirty (30) days.

Section 22-3 shall hereafter read as follows:

"Section 22-3. Measurements.

- (1) The area of any sign shall be deemed to be the sum of the 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 measured perpendicular to the sign."

Section 22-4(1) shall hereafter read as follows:

"Section 22-4. Height Restrictions.

- (1) No free standing sign shall exceed thirty (30) feet above the elevation of the center line of street measured perpendicular to the sign."

Section 22-7 shall hereafter read as follows:

"Section 22-7. Portable Signs.

- (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 special event signs.

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) (a) Signs shall be secured in such a manner as to keep them upright and in place while in use.
  - (b) When a state of emergency is declared due to adverse weather conditions, portable signs shall be removed."

Section 22-11(7) shall hereafter read as follows:

"Section 22-11. Prohibited signs, advertising, lighting.

- (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."

Section 22-16 shall hereafter read as follows:

"Section 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) (a) 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."  
  
(b) Signs which do not conform to this ordinance but which lawfully existed and were maintained on the effective date of this ordinance (\_\_\_\_\_) shall within eight (8) years after the effective date of this ordinance, be removed or made to conform; provided, however, portable signs shall be removed or made to conform within one hundred eighty (180) days after the effective date of this ordinance.
- (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 requirement of Section 22-14, "Unsafe Signs."

Section 22-17 shall hereafter read as follows:

"Section 22-17. Builder/Subdivision signs.

- (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 (two sides maximum).
- (3) The maximum area of a subdivision directional sign shall not exceed 32 square feet (two sides maximum), with a length to width ratio of 3:1.
- (4) Such sign(s) shall be removed after a period of five years or when the subdivision is sold out, whichever occurs first.

Table VII shall hereafter 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 signs; 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	Free Standing: 2 square feet per lineal foot of building frontage up to a maximum of 160 square feet (2 sides maximum).  Building Sign: 1 square foot per lineal foot of building frontage up to a maximum of 80 square feet.
GB	On-premise building, free standing, marquee and portable signs allowed.	Free Standing: 2 square feet per lineal foot of building frontage up to a maximum of 200 square feet (2 sides maximum).  Building Sign: 1 square foot per lineal foot of building frontage up to a maximum of 100 square feet.
C	On-premise building, free standing, marquee and on-premise portable signs allowed.	Free Standing: 2 square feet per lineal foot of building frontage up to a maximum of 300 square feet (2 sides maximum).  Building Sign: 1 square feet per lineal foot of building frontage up to a maximum of 150 square feet.
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 (2 sides 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.

EXCEPTIONS:

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).

SPECIAL PROVISIONS:

Churches, colleges, government-owned buildings and institutional educational uses shall be allowed four off-premise signs, for directional purposes, not to exceed 32 square feet (2 sides maximum). Additional off-premise directional signs may be authorized by the Zoning Board of Adjustments along major thoroughfares as defined on Page 2-39 of the Pearland Comprehensive Development Plan (1978) *or as amended.*

Section 3. 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 Hundred Dollars (\$200.00). Each and every day any such violation continues or is allowed to exist shall constitute a separate offense.

Section 4. 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 5. All provisions of prior ordinances of the City in conflict with a provision of this ordinance are hereby repealed, but only to the extent of any such conflict.

Section 6. All rights and remedies which have accrued in the favor of the City under Ordinance No. 509 and Ordinance No. 509-A and amendments thereto shall be and are preserved for the benefit of the City.

Section 7. 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., 1991.

\_\_\_\_\_  
C. V. COPPINGER, MAYOR

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

PASSED, APPROVED and ADOPTED on second and final reading this \_\_\_\_\_ day of \_\_\_\_\_, A. D., 1991.

\_\_\_\_\_  
C. V. COPPINGER, MAYOR

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
LESTER G. RORICK  
CITY ATTORNEY

# LENTZ ENGINEERING

## CONSULTING CIVIL ENGINEERS AND PLANNERS

DATE: 10 JANUARY 1990

THIS DOCUMENT IS 3 PAGE(S) (INCLUDING COVER SHEET)

DOCUMENT TO: PAT JONES

COMPANY NAME: CITY OF PEASLAND

TELECOPY NUMBER: \_\_\_\_\_

DOCUMENT FROM: A. LENTZ

COMMENTS: SIGN

ORD.

PLEASE CONTACT US AT 786-1212 IF THERE ARE ANY QUESTIONS ON THIS TRANSMISSION.

THANKS



# City of Pearland

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

January 10, 1991

Honorable Mayor and City Council  
City Hall  
Pearland, Texas

Dear Members:

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The Commission discussed each change with City Manager Jim Deshazer and the following recommendation was made in the form of a motion by Benny Frank and was seconded by Mary Starr:

- 1) The definition of a sign was recommended for approval;
- 2) "with a length to width ratio of 3:1" was recommended for approval as "with a length to width ratio not to exceed 3:1" to avoid possible future misunderstandings in the way the ordinance is interpreted;
- 3) under Special Provisions, which allows the Zoning Board of Adjustment to grant additional off-premise directional signs, the phrase "or as amended" is recommended to be added at the end of the sentence which would allow the Comprehensive Development Plan to be amended without having to amend the sign ordinance also;
- and 4) Section 3, addressing the fine, was recommended to align with Section 29.6 of the Zoning Ordinance (of which the Sign Ordinance is a part) which states that an amount (any amount) not to exceed \$1,000.00 can be levied for violation.

This motion passed 5 to 0.

This is submitted for your consideration.

Sincerely yours,

Al Lentz, Chairman  
Planning & Zoning

AL:pj

*AS PROPOSED BY THE COUNCIL*

*Section #*

4. THE PLANNING AND ZONING COMMISSION CAN NOT IMPOSE FINES. HOWEVER, THE MEMBERS DID EXPRESS CONCERNS ABOUT THE WORKING OF THIS ORDINANCE. THE "SIGN ORDINANCE" IS ACTUALLY SECTION 22 OF THE LAND USE AND URBAN DEVELOPMENT ORDINANCE (ORD. NO. 500) OF THE CITY. SECTION 29.6 OF ORD. NO. 500 CONTAINS A "PENALTY CLAUSE" WHICH STATES ~~THE~~ <sup>CAN BE LEVIED</sup> FINE FOR VIOLATING THIS ORD. ~~IN~~ AN AMOUNT NOT TO EXCEED \$1,000.00 PER OCCURRENCE PER DAY. THE COMMISSION EXPRESSED CONCERNS REGARDING THE LEGALITY OF PLACING TWO FINES IN AN ORDINANCE OF THIS NATURE. THE COMMISSION RECOMMENDS THAT THE PENALTY CLAUSE BE ~~REPHRASED~~ ~~AND/OR~~ ELIMINATED TO TRACK SECTION 29.6

5) ALL OTHER PREVIOUS RECOMMENDATIONS BE INCORPORATED INTO THE REVISED SIGN ORDINANCE

AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON JANUARY 8, 1991, 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 December 4, 1990

III. NEW BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION - AMENDMENTS PROPOSED BY CITY COUNCIL UNDER ORDINANCE NO. 509-A-2, SIGN ORDINANCE.

IV. ADJOURN

POSTED: 4 DAY OF January, A. D., 1991 5:00 P.M.  
REMOVED: \_\_\_\_\_ DAY OF \_\_\_\_\_, A. D., 1991.

AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON JANUARY 8, 1991, 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 December 4, 1990

III. NEW BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION - AMENDMENTS PROPOSED BY CITY COUNCIL UNDER ORDINANCE NO. 509-A-2, SIGN ORDINANCE.

IV. ADJOURN

POSTED: 4 DAY OF January, A. D., 1991 5:00 P.M.  
REMOVED: 11 DAY OF January, A. D., 1991.