

NOTICE OF REGULAR TELEPHONE/VIDEO CONFERENCE MEETING

December 1, 2020

MONTGOMERY PLANNING AND ZONING COMMISSION

STATE OF TEXAS

AGENDA

COUNTY OF MONTGOMERY

CITY OF MONTGOMERY

NOTICE TO THE PUBLIC IS HEREBY GIVEN in accordance with the order of the Office of the Governor issued March 16, 2020, the Montgomery Planning and Zoning Commission will conduct its Regular Meeting scheduled for **6:00 p.m. on Tuesday, December 1, 2020**, at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas via Zoom Teleconferencing.

This meeting will be closed to in-person attendance by the public. A temporary suspension of the Open Meetings Act to allow telephone or videoconference public meetings has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code. Telephonic and videoconferencing capabilities will be utilized to allow individuals to address the Commission. *Members of the public who wish to submit their written comments on a listed agenda item must submit their comments by email to dmccorquodale@ci.montgomery.tx.us by 3:00 p.m. on December 1, 2020.*

Members of the public are entitled to participate remotely via Zoom Teleconferencing. Citizens may join the Zoom Meeting by logging on at: <https://us02web.zoom.us/j/87573321930>. Meeting ID: **875 7332 1930**. They may also join by calling (346) 248-7799 and entering the Meeting ID: **875 7332 1930**. The Meeting Agenda Pack will be posted online at www.montgomerytexas.gov. The meeting will be recorded and uploaded to the City's website the following day.

Notice - any person(s) using profane, abusive, or threatening language may result in them being removed from the Teleconference Meeting.

CALL TO ORDER

VISITOR/CITIZENS FORUM

Any citizen with business not scheduled on the agenda may speak to the Commission. Prior to speaking, each speaker must be recognized by the Chairman. The Commission may not discuss or take any action on any item but may place the issue on a future agenda.

CONSIDERATION AND POSSIBLE ACTION:

1. Consideration and possible action regarding minutes of the regular meetings held on October 6, 2020, and November 3, 2020.
2. Consideration and possible action on appointment of officers.
3. Consideration and possible action regarding Historic Preservation Ordinance compliance for graphics of a mobile food trailer for Texas Twist & Shakes, LLC located at the northeast corner of Liberty & Caroline Streets.

4. Consideration and possible action regarding two proposed wall signs for Six Shooter Junction boutique and Jessica's Fine Jewelry located at 14348 Liberty Street in the Historic Preservation District.
5. Consideration and possible action regarding a review of the Sign Ordinance.

COMMISSION INQUIRY:

Pursuant to Texas Government Code Sect. 551.042 the Planning & Zoning Commission may inquire about a subject not specifically listed on this Agenda. Responses are limited to recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

EXECUTIVE SESSION:

The Planning and Zoning Commission reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas. *(There are no items at this time.)*

ADJOURNMENT




Susan Hensley, City Secretary

I certify that the attached notice of meeting was posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on the 24th day of November 2020 at 5:00 o'clock p.m. I further certify that the following news media was notified of this meeting as stated above: The Courier

This facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary's office at 936-597-6434 for further information or for special accommodations.

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: November 3, 2020	Budgeted Amount: N/A
Prepared By: Dave McCorquodale	Exhibits: N/A

Subject

Consideration and possible action regarding regular meeting minutes of October 6, 2020 and November 3, 2020.

Description

The minutes were not transcribed in time to make it into the agenda packet. They will be emailed to the Commission on Wednesday, November 25th.

Recommendation

No action required.

Approved By

Asst. City Administrator	Dave McCorquodale 	Date: 10/30/2020
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Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: December 1, 2020	Budgeted Amount: N/A
Prepared By: Dave McCorquodale	Exhibits: N/A

Subject

Consideration and possible action on election of officers.

Description

The Zoning Ordinance provides that:



Section 98-52. –Organization. *The Commission shall, in each October, elect a Chairperson and Vice-Chairperson from among its members before proceeding to any other matters of business. The Commission shall elect a Secretary and such other officers, as it deems necessary, either from its membership or from staff representatives assigned by the Mayor of the City to work with the Commission. The commission shall meet regularly and shall designate the time and place of its meetings. The commission shall conduct meetings, adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this article and the requirements of law.*

Recommendation

Staff recommends the following process for both Chairperson and Vice-Chairperson:

1. Presiding Commissioner calls for a motion to open the floor for nominations to elect a Chairperson.
2. Motion to open the floor for nominations is made, seconded, and voted on.
3. Presiding Commissioner announces the floor is open for nominations for Chairperson. Members then nominate one or more nominees for Chairperson.
4. Presiding Commissioner asks for any other nominations. When none, then...
5. Each nominee is individually voted on. Commissioners vote only once. The nominee with the most votes is selected as Chairperson.
6. Presiding commissioner calls for a motion to elect _____ as Chairperson of the Planning & Zoning Commission.
7. Motion to elect Chairperson is made, seconded, and voted on.

Approved By

Asst. City Administrator	Dave McCorquodale 	Date: 11/24/2020
City Administrator	Richard Tramm 	Date: 11/24/2020

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: December 1, 2020	Budgeted Amount: N/A
Prepared By: Dave McCorquodale	Exhibits: Trailer artwork photos

Subject

Consideration and possible action regarding Historic Preservation Ordinance compliance for graphics of a mobile food trailer for Texas Twist & Shakes, LLC located at the northeast corner of Liberty & Caroline Streets.

Description

The Commission approved the site plan showing the trailer location, seating locations, etc. for this property last month. The city attorney recommends reviewing and acting on the trailer artwork since the trailer is expected to largely be stationary on the property and is subject to the following:

Section 98-347. – Approval for alteration or new construction within historic preservation districts or affecting historic landmarks. *No person shall carry out any exterior construction, reconstruction, alteration, restoration, rehabilitation, demolition, or relocation of any...property within an historic preservation district, nor shall any person make any material change to other exterior elements visible from a public right-of-way which will affect the appearance and cohesiveness of any...property within an Historic Preservation District without receiving approval from the Planning and Zoning Commission. New construction...or buildings or structures moved onto a property within an Historic Preservation District...will be subject to and in accordance with the Design Guidelines for the City.*

The Commission's interest in this case is the appropriateness of the images of the trailer for the downtown district and whether the graphics affect the overall character and cohesiveness of the historic downtown.

Recommendation

Consider the mobile food trailer graphics and act as you see fit.

Approved By

Asst. City Administrator	Dave McCorquodale 	Date: 11/24/2020
City Administrator	Richard Tramm 	Date: 11/24/2020





Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: December 1, 2020	Budgeted Amount: N/A
Prepared By: Dave McCorquodale	Exhibits: Sign application and image

Subject

Consideration and possible action regarding two proposed wall signs for Six Shooter Junction boutique and Jessica's Fine Jewelry located at 14348 Liberty Street in the Historic Preservation District.

Description

These two businesses are opening a joint location store in the downtown building next to The Cozy Grape. The building has frontage on Liberty Street and McCown Street, and the applicants plan to put the 4-foot by 5-foot signs near the top of the building wall on both streets.

Recommendation

Consider the two proposed wall signs and act as you see fit.

Approved By

Asst. City Administrator	Dave McCorquodale	Date: 11/24/2020
City Administrator	Richard Tramm <i>RT</i>	Date: 11/24/2020



Sign Permit Application

CITY OF MONTGOMERY
 101 Old Plantersville Road
 Montgomery, Texas 77356
 936-597-6434
permits@ci.montgomery.tx.us

WWW.MONTGOMERYTEXAS.GOV

SIGN PERMIT APPLICATION EXPIRES IN
 180 DAYS (NON-TRANSFERABLE)

TEMPORARY SIGN?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
PERMANENT SIGN?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Pre-Existing OR New	Pre-Existing <input checked="" type="checkbox"/>	New <input type="checkbox"/>

Permit: _____

Date: 11/22/2020

JOB ADDRESS: 14348 Liberty Street BUSINESS NAME: Six Shooter Junction / Jessias Jewelry

BUSINESS OWNER: Dana Frazier MAILING ADDRESS: [Redacted] Hempstead TELEPHONE: [Redacted] 855

APPLICANT: Jessica McIntyre MAILING ADDRESS: [Redacted] Montgomery TELEPHONE: [Redacted] 75

CONTRACTOR LICENSE (if electrical): _____

IS THE SIGN IN THE HISTORIC PRESERVATION DISTRICT? YES NO IS THE SIGN ILLUMINATED? YES NO

SIGN PLACEMENT:	VALUATION:
SIGN DESIGN & COLOR SCHEME: Pictures of Owners	
SIGN TYPE	SIGN DIMENSIONS
FREESTANDING MONUMENT SIGN	SIGN HEIGHT: 4
BUILDING WALL SIGN Building sign both sides	SIGN WIDTH: 5
BANNER	TOTAL SQ FT
OTHER	SET BACK
	LOT LINEAR FOOTAGE

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of law and ordinances governing this type of work will be complied with whether or not specified herein. The granting of a permit does not presume to give authority to violate or cancel the provisions of any state or local law regulating construction or the performance of construction.

NAME: Dana Frazier SIGNATURE: Dana Frazier
 Jessica McIntyre SIGNATURE: Jessica McIntyre

OFFICE USE ONLY

APPROVED	TOTAL FEE: \$
DATE	
COMMENTS:	



Jessica's
FINE JEWELRY
Serving the community since 2008

SIX
SHOOTER
JUNCTION
BOUTIQUE

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: December 1, 2020	Budgeted Amount: N/A
Prepared By: Dave McCorquodale	Exhibits: Ordinance No. 2015-05 and Ordinance No. 2018-07

Subject

Consideration and possible action regarding a review of the Sign Ordinance.

Description


Commissioner Waddell asked for a discussion on temporary banner signs and the City's Sign Ordinance at the last meeting. Attached are the City's two sign ordinances: the original from 2015, and a 2018 addition to add regulations for LED message signs.

Staff will provide recommendations at the meeting on ideas to better regulate temporary business banner signs.

Recommendation

Review the City's sign ordinance and provide feedback to staff during the meeting.

Approved By

Asst. City Administrator	Dave McCorquodale	Date: 11/24/2020
City Administrator	Richard Tramm 	Date: 11/24/2020

ORDINANCE NO. 2015-05

AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS REPEALING CITY ORDINANCE 2004-08 AND REPLACING CHAPTER 66, "SIGNS", OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; DEFINING WORDS AND PHRASES; PROVIDING REGULATIONS FOR THE CONSTRUCTION, PLACEMENT, EXISTENCE AND USE OF SIGNS AND BILLBOARDS WITHIN THE CITY; PROVIDING A PERMITTING PROCESS FOR THE PLACEMENT OF SIGNS AND BILLBOARDS WITHIN THE CITY; PROVIDING CRITERIA FOR THE MEASUREMENT OF SIGN, CALCULATION OF AREA AND MAINTENANCE OF SIGNS WITHIN THE CITY; DESIGNATING THE TYPES OF SIGNS AND BILLBOARDS PERMITTED WITHIN THE CITY; PERMITTING THE GRANTING OF VARIANCES; PROVIDING CRIMINAL PENALTIES OF UP TO \$500.00 FOR VIOLATION OF THE ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING THAT ANY ORDINANCE IN CONFLICT HEREWITH IS EXPRESSLY REPEALED; PROVIDING A SAVINGS CLAUSE AND A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING FOR PUBLICATION, EFFECTIVE DATE AND RELATED PROVISIONS.

WHEREAS, the Planning Commission and City Council for the City of Montgomery, Texas, consider the appearance of the City as a singular aspect of what they are each charged to accomplish by the citizens of Montgomery; and

WHEREAS, private signs are one of the major ways that a city can maintain a consistent, clean and presentable appearance to those who live in and visit beautiful and historic Montgomery; and

WHEREAS, the Planning Commission after two public noticed meetings regarding the sign ordinance revisions contained in this Ordinance have recommended this Ordinance to the City Council for passage; and

WHEREAS, the City Council have also had a public meeting and discussions regarding this ordinance,

WHEREAS, Section 216.001, *et. seq.*, Texas Local Government Code,

authorizes a municipality to license, regulate, control, or prohibit the erection of signs by ordinance; and

WHEREAS, the City Council of the City of Montgomery has determined that City Ordinance No. 2004-08, found in Chapter 66 of the Code of Ordinances of the City of Montgomery, should be amended, modified and replaced to:

- (i) promote the safety of persons and property by providing that signs do not create:
 - a. traffic hazards by distracting or confusing motorists, impairing motorists' ability to see pedestrians, other vehicles, obstacles or to read traffic signs; or
 - b. a hazard due to collapse, fire, decay or abandonment; and
- (ii) promote the efficient transfer of general public and commercial information through the use of signs by encouraging:
 - a. creative expression of the business owner/operator; and
 - b. readability and interpretation; and
- (iii) protecting the public welfare and enhancing the overall appearance and economic value of the landscape and preserving the unique natural environment that distinguishes the city by promoting:
 - a. a sense of order through standardization; and
 - b. a new image and sense of place.

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

ARTICLE I. IN GENERAL

Section 1: 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.

Abandoned sign means a sign which was erected on property in conjunction with a particular use which has been discontinued for a period of 30 days or more, or a sign, the content of which pertains to a time, event, or purpose which no longer applies.

Flashing sign means a lighted or electrical sign which emits light in sudden transitory bursts. On/off time and temperature signs and message boards shall not be considered to be flashing signs for the purpose of this chapter.

Garage sale sign means a sign advertising a garage sale, and such sign may not exceed four square feet in size.

Illuminated sign means a sign which is directly lighted by an internal or external electrical source. Such term shall not include signs by street signs or light sources owned by the city or light sources operated for the purpose of lighting the area in which the sign is located rather than the sign itself.

Leader sign means a sign which leads a person or persons into a business through the use of promotions advertised by this sign.

Lot means and includes plot, parcel or tract.

Moving message board means an electrical sign which has a continuous message flowing across its face by utilization of lights forming various words.

Nonconforming sign means a sign which is erected or displayed prior to the effective date of the ordinance from which this chapter is derived, or subsequent amendments, which do not conform with the standards of this chapter.

Off premise sign means a sign which is located on property and transmits a message pertaining to a product, use, occupancy or function which is not located on the same property as the sign.

On premise sign means a sign that transmits a message pertaining to a product, use, occupancy or function that is located on the same property as the sign.

Point of sale signage (external) means signage that is attached to point of sale devices that extend beyond the structure of the building including drive throughs and gas pumps.

Political sign means a temporary off premise sign which refers only to a political candidate or the issues involved in an upcoming political election.

Portable sign means a sign which is not permanently affixed to a building, structure or the ground, or which is attached to a mobile vehicle.

Roof sign means a sign which is located upon the roof of a structure.

Sign means a privately-owned permanent, temporary or portable structure or device, billboard, figure, symbol, insignia, medallion, flag, banner, balloon, etc., which advertises, represents or calls attention to a product, service, person, business, operation, use or event, or transmits information or an idea.

Sign official means the city administrator or the person specifically designated by the city administrator or employed and empowered as the city sign official or code enforcement officer.

Special event sign means a sign which transmits information regarding community events, including, but not limited to, a National Night Out, civic association events, open house events, etc.

Suspended sign means a shingle-type sign suspended from the underside of a horizontal plane or along a vertical plane wherein the sign is supported by that plane.

Temporary sign means a sign or information transmitting structure intended to be erected or displayed for a period of 60 days or less.

Vehicular sign means a sign painted on, attached to or pulled by a moving or parked vehicle.

Wall mounted sign means a flat sign affixed to the wall of a building, and is capable of displaying a sign message.

Section 2: Prohibited Signs

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

article:

1. Signs or billboards off-premises from the location of the subject of the advertising content, with the exception of city-approved community commercial signs.
2. Signs which advertise an activity business or service no longer conducted on the premises upon which the sign is located.
3. Signs which move or contain visible moving parts, not to include moving message boards.
4. Signs which contain or have attached thereto posters, ribbons, streamers, strings of light bulbs or other similar devices.
5. Banners and pennants of any kind, other than those permitted for grand opening and store closing events or bona fide special announcement (see Division 2 [11]) displayed for 30 days or less.
6. Signs which contain statements, words, or pictures of an obscene, indecent or immoral character which reasonably offend public morals or decency.
7. Signs or portions thereof which are located on or project or extend over any public sidewalk, street, alley or other public property. Signs required or authorized by governmental authority are exempted from this provision.
8. Signs which constitute a hazard to pedestrian or vehicular traffic, or which may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
9. Signs which make use of any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse vehicular traffic.
10. Portable or wheeled signs.
11. Signs with flashing, blinking or traveling lights.
12. Signs attached to or located upon exposed amenities such as benches, trash containers or fences.
13. Signs placed on the side or rear of any building or property when such sign faces upon a contiguous residential area.

14. Roof signs that extend more than 24" above the highest point of the roof.
15. Leader signs, with the exception of city approved sidewalk signs (see Division 2 [10]).
16. Hand made signs. All signs must be professionally produced.

Exception: Nothing contained in this section shall be construed to prohibit the display of the flag of the United States, the State of Texas, or any political subdivision.

ARTICLE II. SIGN AND BILLBOARD REGULATIONS

DIVISION 1. PERMIT

Section 1: Permit Required.

It shall be unlawful for any person, unless otherwise provided in this article, to erect, construct, reconstruct, structurally alter or relocate any sign within the city without first obtaining a sign erection permit.

Section 2: Application for Sign Permit.

All applications for sign erection permits shall be accompanied by a dimensional and sight drawing which shall include the following:

1. The dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached.
2. The dimensions of the sign's supporting members.
3. The maximum and minimum height of the sign.
4. The proposed location of the sign in relation to the face of the building in front of which or above which it is to be erected.
5. The proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated.
6. The location of all electrical transmission lines within 30 feet of any part of such proposed sign structure.
7. If applicable, plans and specifications for the electrical system of the

sign.

8. All applicants for permanent signs must have all taxes, fees or charges owed to the city paid in full before final approval of the permit application.

Section 3: Issuance; fee.

Upon the filing of any application for a sign erection permit, the plan, specifications and other data shall be examined by the city sign building official. If it appears that such proposed sign is in compliance with the requirements of this article, the city building codes and other laws of the city, the city sign building official shall issue the applicant an erection permit at a fee of \$50.00.

Exceptions.

A permit shall not be required for the following:

1. The changing of the advertising copy or message of a painted sign.
2. The electrical, repairing, or cleaning maintenance of a sign.

Section 4: Removal of Abandoned Signs.

A condition of approval for all sign erection permits shall be that the permit holder or owner of the building or premises, at his own expense, shall remove *all* abandoned signs. New signs for a building or property on which an abandoned sign is located shall not be approved until the abandoned sign is removed. Approval may be given on the condition that the abandoned sign is removed.

Section 5: Annual Sign Inspection.

Each sign will be subject to an annual inspection by the designated sign official. Signs found to be in compliance with all terms of this ordinance will be renewed for a period of one year for an annual fee of twenty-five dollars (\$25.00). The owner of sign(s) determined not to be in compliance with the terms of this Ordinance will be so notified and granted thirty calendar days to comply. The owner of sign(s) that remain non-compliant with terms of this Ordinance will be notified that the sign(s) may be subject to removal pending City Council consideration.

Section 6: Stop Work Orders.

The issuance of a sign erection permit shall not constitute a waiver of this article or other ordinances of the city. The city sign building official is authorized to issue stop orders for any sign which is being constructed in violation of this article or

any other ordinance of the city.

DIVISION 2. MEASUREMENT OF SIGNS; PERMITTED SIGNS; EXCEPTIONS

Section 1: Measurement of Wall Signs.

Wall signs (fixed to buildings) shall be measured as follows: the sign facing or surface area of a wall sign shall be computed as including the entire area within a regular geometric form comprising all display area of the sign including all elements of the display and including the frame if applicable.

Section 2: Measurement of Ground Signs.

Ground signs (freestanding) shall be measured as follows: the sign facing or surface area shall be computed as including the entire area within a regular geometric form comprising all display area of the sign and including all elements of the matter displayed including the frame.

Section 3: Calculation of area; maintenance; permitted signs; variances.

1. ***Calculation of area.***
 - a. ***Size.*** The size of a Sign is determined by its Effective Area. For Freestanding Signs, the Effective Area includes the entire Structure on which all Signs are placed or mounted.
 - b. ***Setback.*** The Setback is measured perpendicularly from the edge of pavement to the closest point of the Sign.
 - c. ***Height.*** The Height of a Sign is measured from the natural ground level at the base of the Sign to the highest point of the Sign.
 - d. ***Width.*** The width of a Sign is measured along a line drawn from the outermost edges of the Sign, parallel to the ground.
2. ***Maintenance.*** All signs and sign structures shall be kept in good repair and neat appearance. Signs shall be maintained at reasonable intervals, including replacement of defective parts, painting, repairing, repainting and cleaning. The city sign official shall inspect all signs and sign structures at random and shall require corrections of

any signs deemed in violation of this section. Business or individuals found in violation shall have 10 calendar days to correct or abate any violations.

3. Temporary real estate signs.

a. One temporary sign not exceeding six square feet shall be permitted for single-family units in order to give information concerning leasing, renting or selling of such single-family unit on the property upon which such sign is erected while such dwelling is actually available for lease, rent or sale. No permit shall be required for erection of a temporary sign under this provision. Such temporary sign may be located anywhere on the premises except as restricted by this section, provided that such sign may not project beyond the property line and shall not have a height of more than five feet over the natural ground level.

b. One temporary sign for commercial property not exceeding 32 square feet shall be permitted for each parcel of land in order to give information concerning leasing, renting or selling of such commercial property on which the sign is erected while such property is actually available for lease, rent, or sale. No permit shall be required for erection of a temporary sign under this provision. Such temporary sign for commercial property may be located anywhere on the premises except as restricted by this section, provided that such sign may not project beyond the property line and shall not have a height of more than five feet over the natural ground level.

4. Temporary signs for developments other than residential subdivisions.

a. Temporary signs for developments other than residential subdivision, which are under construction, may be permitted in addition to permanent signs allowed by this section for the district in which the building or complex is located in order to give information concerning leasing, renting, selling, financing and/or contracting. Such temporary sign shall be removed 12 months from the date of its erection or when the development is completed, whichever first occurs.

b. Temporary signs under this subsection shall not exceed 64 square feet in area, including frame. Freestanding signs shall

have a maximum height of eight feet. Freestanding signs shall be located at least 20 feet from the street right-of-way. Any sign attached to a building shall not be higher than the roofline.

- c. Developments other than residential subdivisions are allowed one such temporary sign for each major development entrance.

5. Temporary signs for residential developments.

- a. Temporary signs for residential developments under construction may be permitted in order to give information concerning lot or home sales, financing and/or the development. Such temporary sign shall be removed two years from the date of its construction, or when the development is completed, whichever comes first; provided however, that if the construction or residential development is not completed within two years from the date of the construction or such temporary sign, the city council may make special exception to this regulation and permit such temporary sign for an additional period not to exceed two years where to do so will not be contrary to public interest and will not result in substantial injury to surrounding property or the appropriate use thereof.
- b. Temporary signs under this subsection shall not exceed 64 square feet in area including the frame. Freestanding signs shall have a maximum height of eight feet. Freestanding signs shall be located at least 20 feet from the street right-of-way. Any sign attached to a building shall not be higher than the roofline.
- c. Residential developments are allowed one such temporary sign for each major subdivision entrance. One off premise sign may be located on private property subject to and with the express permission of the property owner. Each subdivision must be located within the corporate limits of the city.

- 6. **Temporary direction signs.** Temporary signs that direct the public to a special event of civic interest such as parades, organized holiday festivities, special events on the behalf of charitable organizations and

the like are allowed provided that:

- a. Such signs do not exceed 16 square feet in area.
 - b. Signs are erected only for a time period not to exceed ten days before and two days after the event.
 - c. Such signs are located on private property with the permission of the property owner. In no case shall the sign be located on a public right-of-way without the consent of the city council.
7. **Temporary political signs.** Temporary political signs are permitted on private property with the consent of the property owner provided that no sign:
- a. Has an effective area greater than 36 feet;
 - b. Is more than eight (8) feet high;
 - c. Is illuminated; or
 - d. Has any moving elements.
8. **Temporary garage sale signs.** Garage sale signs shall be permitted for a period of one day prior to the sale and shall be removed at the conclusion of the sale, and shall only be permitted twice a year. Signs shall be erected on private property only. No signs shall be allowed on the public right-of-way.
9. **Special event signs in designated areas.** Special event signs may not be erected sooner than 30 days preceding a special event, and shall be removed within 72 hours following the special event. Applicants for special event signs must submit the sign for approval to the sign official. Signs for special events shall be professionally produced. Applicants for special event signs must agree to all additional terms and fees to this Ordinance that may be deemed necessary to protect community health, safety and welfare. Special event signs and/or banners shall be restricted to local organizations within the Montgomery Independent School District.
10. **Sidewalk signs.** A uniform, city-approved sidewalk sign may be permitted. An "A" frame sign is allowed. All approved sidewalk signs must be displayed only during regular store hours. No sign

shall obstruct pedestrian or vehicular traffic, or be displayed in a public right-of-way.

11. **"Grand opening"** signs shall be displayed for a period not to exceed 30 days. "Going out of business" signs may be displayed for a period not to exceed 30 days. Bona fide special event banners or special use banners may be granted at the discretion of the sign official.
12. **Point of sale signage (external).** Businesses using traditional drive through or drive up facilities will be allowed to affix minimal point of sale signage to the point of sale devices that extend beyond the structure of the building, including gas pumps. Minimal signage will be determined by the sign official.
13. **Permanent signs permitted and regulated in residential districts.**
 - a. Residential subdivisions are allowed one permanent identification sign at each major entrance. The total surface area at each entrance shall not exceed 64 square feet. The height of such sign shall not exceed eight feet above the average finished grade.
 - b. In multiple dwelling units one sign totaling not more than 32 square feet in sign area shall be permitted. Permitted signs may be anywhere on the premises except as restricted by this section. They may not project beyond any property line and, if ground mounted. The top shall not be more than five feet over the natural ground level. If building mounted, such sign shall not be flush mounted and shall not project above the roofline.
14. **Permanent signs permitted and regulated in commercial districts.**
 - a. **Wall signs.**
 - (1) *Size and number.* Flat wall signs are permitted for each business utilizing up to 60 percent of total feet of wall area.
 - (2) *Location.* A wall sign shall not project above the roofline. The sign must be located on the site where the goods or services are offered.

b. Freestanding Signs.

- (1) *Table of regulations.* The sections b (1), (2), (3), (4), (5), (6) and (7) do not apply to the Historic District of the city Except as otherwise provided in this section, Freestanding Signs must have the street address printed on the framework of the sign and must comply with the requirements of the following Table A:

TABLE A

REQUIREMENTS	LAND USE		
	RESIDENTIAL, MULTI-FAMILY	NON-RESIDENTIAL	FRONTAGE ON STATE HIGHWAY 105, BUFFALO SPRINGS RD., STATE HIGHWAY 149 NORTH OF CLEPPER STREET, STATE HIGHWAY 149 SOUTH OF STATE HIGHWAY 105, C.B. STEWART ROAD AND ON LONE STAR PARKWAY
Maximum Effective Area (sq. feet)	36	60	100
Maximum Height (feet)	4	6	10
Minimum Setback from curb (feet)	10	10	10
Number per feet of frontage	1/500	1 for the first 125, 1 for each additional 125	1 for the first 125, 1 for each additional 125

- (2) *Off-premises signs-* Are allowed using Table A and (4) of this Section as the basis for approval.
- (3) *Number.* All signs on one common supporting structure are counted together as one sign for purposes of applying the regulations on the number of Freestanding Signs allowed on any one premises.
- (4) *Spacing requirements.* A Freestanding Sign must

not be located within 50 feet of another Freestanding Sign on another premise. A Freestanding Sign must not be located within 125 feet of another Freestanding Sign on the same premises. A Freestanding Off-premise Sign must not be located within 2,000 feet of another Freestanding Off-premises Sign.

- (5) *Design and materials for Freestanding Signs.* All Freestanding Signs must be designed and constructed to substantially appear as a solid mass, such as a cylinder, block, rectangle, or square, from ground level to the highest portion of the sign (commonly known or referred to as a monument-type sign). All Freestanding Signs must be made of masonry, metal, routed wood planks or beams, or durable plastic. The requirements of this paragraph do not apply to the temporary Freestanding Signs allowed under paragraphs (6) and (7) of this section.
- (6) *Temporary Freestanding Sign (Type I).* No permit is required to erect and maintain one Freestanding Sign on any one premises for a maximum of 75 days in any one calendar year; if the Sign:
- (a) Has a Height of ten feet or less;
 - (b) Has an Effective Area of 32 square feet or less;
 - (c) Is unlighted;
 - (d) Complies with the Setback and spacing requirements for Freestanding Signs for that premises; and
 - (e) Does not contain Off-premises advertising.
- (7) *Temporary Freestanding Sign (Type II).* A permit, valid for one and renewable for one additional year, may be issued for one Freestanding Sign on any one premises, if the sign:
- (a) Is unlighted;
 - (b) Complies with the Setback and spacing

requirements for Freestanding Signs for that premises; and

- (c) Meets the following design and material requirements:
 - 1) The face is fabricated of one-half inch thick medium density overlay plywood of yellow treated pine mounted on both sides of a frame with dimensions of four feet by four feet where no part of the frame or posts extend beyond the Sign faces at the sides or top of the Sign;
 - 2) The plywood face of the sign is four feet in width and eight feet in height and extends down to within six inches of the ground;
 - 3) The sign is anchored by two 4 inch by 4 inch yellow pine treated posts anchored in sand filled holes extending down at least two feet in the ground; and
 - 4) The plywood face is securely held to the frame by galvanized nails or screws installed with the heads flush to the surface; all seams are tight; all holes are filled and sanded smooth; and all surfaces are coated with primer and painted with good quality exterior grade semi gloss paint.
 - 5) Other suitable construction materials may be submitted.

(8) *Abandoned Freestanding Signs.*

- (a) Any Abandoned Freestanding Sign that is a nonconforming use must be removed within 30 days of the date or the sign becomes an Abandoned Sign.
- (b) Within 60 days of the date a freestanding sign becomes an Abandoned Sign, the message portion of the sign must be painted over, covered, removed, or modified so that the remaining sign structure is left visually unobtrusive, presents a solid facade, and does not appear to be in disrepair or

dismantled, as approved or required by the City's sign official

- (9) *Easements.* A Freestanding Sign must not be placed or located within a public easement or public right-of-way unless the City gives its written consent to the encroachment.
- (10) *Signs on vacant premises.* The regulations of Table A applicable to residential land uses apply to Freestanding Signs located on vacant premises located in a residential zoning district. The regulations of Table A applicable to Nonresidential Uses apply to Freestanding Signs located on vacant premises located in a nonresidential zoning district and to Off-premises Freestanding Signs located in the City's extraterritorial jurisdiction.
- (11) *Size Exception for Freestanding Signs in I Districts.* Any real property located in an I zoning district that would be allowed to have three or more freestanding signs under paragraph (a) of this section, may choose to have one freestanding sign with a maximum effective area of 100 feet and another freestanding sign with a maximum effective area of 60 square feet, in lieu of all other freestanding signs allowed under paragraph (a) of this section.

15. **Permanent signs permitted and regulated for specific uses.**

- (a) **Applicability.** This subsection shall apply to areas for specific use such as churches, industrial uses, fraternal organizations and others as provided in this article.
- (b) **Size, number and location.** The regulations for wall and ground signs as established by this section for commercial areas shall also apply to areas for specific use.

16. **Obsolete signs.** Signs which have been abandoned due to closing of business, change in business name, or for any other reason rendering the sign no applicable to the property involved shall be removed or rendered blank by the owner of the building or premises within 60 days from the date of the action that caused the sign to be considered abandoned.

17. Variances.

- (a) A relaxation of the terms of this section may be permitted where such variance will not be contrary to the public interest and where, because of conditions peculiar to the property and as the result of the actions of the applicant, a literal enforcement of this section would result in unnecessary and undue hardship.
- (b) A variance is authorized under this subsection only for height and sign area.
- (c) Any variance obtained under this section shall be granted by the city council.

18. Exceptions and exemptions. The provisions and regulations of this section shall not apply in the following classes of signs:

- (a) Professional and commercial nameplates and occupational signs denoting only the name and occupation of an occupant in a commercial building, co-op or lease space or public institutional buildings and not exceeding two square feet in area.
- (b) Identification nameplates or signs of apartment houses, boarding houses or rooming houses or similar uses, not exceeding two square feet in area.
- (c) One nameplate denoting only the name of the occupants of the dwelling, and not exceeding two square feet in area, not located closer than two feet to the property line.
- (d) Memorial and/or other historical signs designated by federal, state or local governments.
- (e) Traffic or other city signs, legal notices or danger signs posted by federal, state or local governments.
- (f) Non advertising signs or trespassing signs on private property, not exceeding two square feet in area.
- (g) Non advertising signs of public utility companies as may be

required in their operations in providing services for the health and welfare of the public, or as required by any law or regulations of the state or any agency thereof.

- (h) For nonprofit civic organizations, one sign up to nine square feet in area to advise the membership of meetings and civic information.
- (i) On-site directional signs for public and private developments denoting the entrance, exit and direction of traffic flow and not exceeding two square feet in area, providing such sign is not prohibited or further regulated by other sections of this article or any other ordinance of the city.
- (j) Identification nameplate or sign on a commercial or industrial establishment not exceeding two square feet in area located near and for the purpose of identifying delivery entrances.

ARTICLE III: MISCELLANEOUS PROVISIONS

Section 1: Penalty

Any person violating any of the provisions of this Ordinance ~~article~~ shall be deemed guilty of a misdemeanor, and upon conviction of any such violation such person shall be subject to a fine of \$50.00 to \$500.00 as provided for in section 1-13 of the Code of Ordinances for the City of Montgomery.

Section 2: Repealing Clause

City Ordinance No. 2004-08, dated September 14, 2004, and all other ordinances or parts of ordinances inconsistent with the terms of this Ordinance are hereby repealed; provided however, that such repeal shall be only to the extent of such inconsistency with other ordinances regulating and governing the subject matter covered by this Ordinance.

Section 3: Savings Clause

If any provision, section, subsection, paragraph, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void, invalid or otherwise unenforceable, the invalidity or unenforceability shall not affect other provisions of this Ordinance or

their application to other sets of circumstances and to this end all provisions of this Ordinance are declared to be severable.

Section 4: Texas Open Meetings Clause

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

Section 5: Effective Date

This Ordinance shall become effective immediately upon its passage and publication as the law prescribes.

PASSED AND APPROVED on the 9th of June 2015.

CITY OF MONTGOMERY, TEXAS

By: Kirk Jones
Kirk Jones, Mayor

ATTEST:

By: Susan Hensley
Susan Hensley, City Secretary



APPROVED AS TO FORM:

By: Larry L. Foerster
Larry L. Foerster, City Attorney

ORDINANCE NO. 2018-07

AN ORDINANCE BY THE CITY OF MONTGOMERY, TEXAS, AMENDING SECTIONS 66-1, 66-2(a) (11) AND ADDING 66-53(s) OF THE CITY CODE OF ORDINANCES REGARDING ELECTRONIC MESSAGE DISPLAY SIGNS IN THE CITY; PROVIDING DEFINITIONS; PROVIDING REGULATIONS OF ELECTRONIC MESSAGE DISPLAY SIGNS; PROVIDING SAVINGS AND REPEALING CLAUSES; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 216 of the Texas Local Government Code authorizes a Texas municipality to regulate signs in its city limits; and

WHEREAS, the city council for the City of Montgomery, Texas is concerned about the proliferation of Electronic Message Display signs inside the City; and

WHEREAS, the City Council in the interest of traffic safety and maintaining the appearance of the City finds that it is in the best interest of the citizens of Montgomery that there be regulations and restrictions on the use of such signs within the City; and

WHEREAS, the regulation of Electronic Message Display signs needs specific definitions and regulatory controls regarding the brightness, the method of changing the message displayed on the sign and the frequency of the message changes; and further needs to be specifically described for permittees who desire to place such signs inside the City; and

WHEREAS, the City Council finds it is in the best interest of the citizens of the City that Chapter 66, entitled "Signs," of the Montgomery City Code of Ordinances ("Code") be amended as set out below;

NOW, THEREFORE, BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS THAT:

SECTION 1: FINDINGS OF FACT. The City Council adopts the recitals above as true and correct findings of fact.

SECTION 2: AMENDING SIGN ORDINANCE.

- A. Section 66-1, entitled "Definitions," of the Code is hereby amended by deleting the term "Moving Message Boards" and replacing it with the term "Electronic Message Display" such that it reads as follows:

Electronic Message Display means a sign that uses light emitting diodes (LED), plasma screen, or other similar technology capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

- B. Section 66–1, entitled Definitions,” of the Code is hereby supplemented with the following additional definitions:

Dissolve means a mode of message transition on Electronic Message Display signs by varying the light intensity or pattern, where the first message gradually appears to dissipate in this legibility simultaneously with the gradual appearance and legibility of the second message.

Fade means a mode of message transition on Electronic Message Display signs accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Frame means a complete, static display screen on an Electronic Message Display sign.

Frame Effect means a visual effect on Electronic Message Display signs applied to a single frame to attract the attention of viewers.

Scroll means a mode of message transition on an Electronic Message Display signs where the message appears to move vertically across the displayed surface.

Transition means a visual effect used on Electronic Message Display signs to change from one message to another.

- C. Section 66–2 (a) (11) of the Code is amended to read as follows:

(11) Signs with flashing, blinking or traveling lights, other than provided in Section 66–53 (s) of the Code.

- D. Section 66–53 (s) of the Code is added to read as follows:

Electronic Message Display signs may be permitted in the commercial and industrial zoning districts subject to the following requirements:

- (1) Operational limits. Such displays shall be limited to static displays, messages that appear or disappear from the display through dissolve, fade, moving message or scroll modes, or similar transitions and frame effects that have text or visual, non-

animated visuals, that appear to move or change in size, or be revealed sequentially rather than all at once.

- (2) Minimum display time. Each message on the sign must be displayed for a minimum of five seconds.
- (3) Lighting intensity. In no case shall the lighting intensity of any sign, whether resulting from internal illumination or external illumination shall not exceed 700 Lux more than one (1) feet from the sign when measured with a standard light meter perpendicular to the face of the sign.
- (4) No temporary signs. No Electric Message Display signs may be used on temporary signs.
- (5) Limitations near residences. Electronic Message Display signs located on property adjacent to any residential district shall not be operated between the hours of 10:00 PM and 6:00 AM. This requirement shall not apply to any premises at which the business is operating during these hours.
- (6) Animation limitations. The image or message of the sign does not flash or have animation or television type of screen effects.
- (7) Size limitations. The area of the Electronic Message Display does not exceed one half of the entire size of the sign.

SECTION THREE: CODIFICATION OF THIS ORDINANCE. Wherever any provision of this Ordinance provides for the amendment of the Code of Ordinances, City of Montgomery, Texas, such provision shall be liberally construed to provide for the codification of the specified provision and for such other provisions of the Ordinance that the codifier in its discretion deems appropriate to codify. The codifier may change the designation or numbering of chapters, articles, divisions or sections as herein specified in order to provide for logical ordering of similar or related topics and to avoid the duplicative use of chapter, article or section numbers. Neither the codification nor any application of the codified Ordinance shall be deemed invalid on the basis of a variance in the number or section of this Ordinance and its codified provisions. The failure to codify the specified provisions of this Ordinance shall not affect their validity or enforcement.

SECTION FOUR: REPEALING CLAUSE. Any provisions in other City ordinances that are in conflict with this Ordinance are hereby repealed.

SECTION FIVE: SAVINGS CLAUSE. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portion of this Ordinance shall not be affected hereby, it being the intention of the City Council of the City of Montgomery in adopting and of the Mayor in approving this Ordinance, that no portion hereof or provisions or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

SECTION SIX: TEXAS OPEN MEETINGS ACT CLAUSE. It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, of the Texas Government Code.

SECTION SEVEN: EFFECTIVE DATE. The effective date of this Ordinance shall be upon its passage and publication as provided by law.

PASSED AND APPROVE this 8th day of May, 2018.

Kirk Jones
Kirk Jones, Mayor

ATTEST:

Susan Hensley
Susan Hensley, City Secretary



APPROVED AS TO FORM:

Larry L. Foerster
Larry L. Foerster, City Attorney