

NOTICE OF REGULAR TELEPHONE/VIDEO CONFERENCE MEETING

January 5, 2021

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 Public Hearings and Regular Meeting scheduled for **6:00 p.m. on Tuesday, January 5, 2021**, 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 January 5, 2021.*

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/89417815620> Meeting ID: **894 1781 5620**. They may also join by calling (346) 248-7799 and entering the Meeting ID: **894 1781 5620**. 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 regular meeting minutes of December 1, 2020.
2. Consideration and possible action regarding a proposed outdoor playground for Living Savior Lutheran Church located at 309 Pond Street in the Historic Preservation District.
3. Consideration and possible action regarding temporary banners and signs in the Historic Preservation District.
4. Consideration and possible action regarding visual enhancements in the Historic Downtown District.

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 30th day of December 2020 at 3:10 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.

MINUTES OF REGULAR MEETING

December 1, 2020

MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

Commissioner Waddell, acting as interim Chairman, declared a quorum was present and called the meeting to order at 6:02 p.m. He noted Carol Langley was no longer on P&Z after being elected to City Council.

Present: Britnee Ghutzman, Jeffrey Waddell, Keri May, Merriam Walker

Absent: None

Also Present: Dave McCorquodale, Assistant City Admin. / Director of Planning & Development

VISITOR/CITIZENS FORUM

No comments given.

1. **Consideration and possible action regarding minutes of the regular meetings held on October 6, 2020, and November 3, 2020**

Britnee Ghutzman moved to approve the minutes as presented. Keri May seconded the motion, the motion carried unanimously. (4-0)

2. **Consideration and possible action on appointment of officers.**

Staff reviewed the section of the City Code for appointment of officers to the P&Z Commission. Mr. McCorquodale stated with the consent of the Commission, staff would continue to perform the duties of Secretary, and for the Commission consider appointing a Chairperson and Vice-Chairperson to preside over meetings, and other officers as deemed appropriate.

Britnee Ghutzman moved to nominate Jeffrey Waddell as Chairman. Keri May seconded the motion, the motion carried unanimously. (4-0)

Keri May moved to nominate Britnee Ghutzman as Vice-Chairman. Merriam Walker seconded the motion, the motion carried unanimously. (4-0)

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.**

Staff introduced the item and explained the item was not previously considered as it was a mobile food trailer, but the city attorney confirmed the Commission can exercise authority over the trailer graphics. Merriam Walker asked about the specific applicability of the ordinance and what the Commission was being asked to review. Staff stated according to the city attorney, general conformity to the district was the standard to use. Commissioner Waddell said the graphics could be considered a sign and reviewing it as a sign may be an effective method to evaluate the graphics. Several members of the Commission stated that the graphics did seem appropriate for a family-oriented area like downtown. Britnee Ghutzman asked for clarification as to what exactly the city attorney pointed to in the Code that allowed P&Z to have authority to approve the graphics. Staff stated that the general cohesiveness with the Historic District was the part of the ordinance that the attorney referenced. Mrs. Ghutzman asked if other food trucks that operate in the City go through the same approval process. Staff stated they did not, and it may be the more transient nature of other food vendors, while this proposed project is more stationary than other mobile food vendors.

Merriam Walker moved to approve the trailer graphics for Texas Twist & Shakes, LLC as submitted. Britnee Ghutzman seconded the motion, the motion carried unanimously. (4-0)

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.**

Staff introduced the item, and the Commission reviewed the sign application details. Merriam Walker asked if the applicant would have a sign on both signs of the building since it had frontage on Liberty and McCown Streets. Staff confirmed they would. Mrs. Walker said she had been to the other boutique location in Magnolia and said the store carried a good selection of items. Staff and the Commission confirmed that the proposed 4-foot by 5-foot sign is within the 60% wall coverage allowed by ordinance. Keri May stated the sign did not seem to conform to other signs in the City since the sign included caricature-style images of the owners and that the sign ordinance does require conformity with other signs. Merriam Walker stated that she had not seen other signs in the City with pictures of the owners on it, and the other two Six Shooter Junction locations did not

have graphics like this proposal. Britnee Ghutzman stated she agreed with other's sentiments that the sign did not conform to other signs in the City with the inclusion of the large caricature images.

Merriam Walker moved deny the proposed sign and direct staff to talk with the owners about reconsidering the prominence of the caricatures and conforming more to other signs in downtown. Keri May seconded the motion, the motion carried unanimously. (4-0)

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

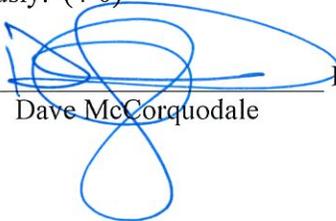
Commissioner Waddell said he asked for this item to be on the agenda at a previous meeting and the focus is primarily regarding temporary banners. Staff provided a slideshow overview of current issues with compliance and stated the City has attempted to be more lenient regarding banners and temporary signs in 2020 considering the pandemic's effect on local businesses. Commissioner Waddell suggested the Commission pick a month of each year to focus on sign compliance and that January 2021 would be a good opportunity to start. No formal action was taken, and staff was asked to bring the item back at the January meeting.

Commission Inquiry

None.

Adjournment

Britnee Ghutzman moved to adjourn the meeting at 7:51 p.m. Keri May seconded the motion, the motion carried unanimously. (4-0)

Prepared by:  Date approved: _____
Dave McCorquodale

Chairman Jeffrey Waddell

Attest: _____
Susan Hensley, City Secretary

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: January 5, 2021	Budgeted Amount: N/A
Prepared By: Dave McCorquodale	Exhibits: Request from applicant

Subject

Consideration and possible action regarding a proposed outdoor playground for Living Savior Lutheran Church located at 309 Pond Street in the Historic Preservation District.

Description

The church is planning an outdoor play area located in roughly the center of the property. The project will include play equipment, perimeter fencing, and a rubber mulch fall surface. The attached information from the applicant explains the details of the project.

Recommendation

Consider the effects (if any) the proposed exterior modifications may have on the Historic Preservation District and approve or deny the request.

Approved By

Asst. City Administrator	Dave McCorquodale <i>DM</i>	Date: 12/30/2020
City Administrator	Richard Tramm <i>RT</i>	Date: 12/30/2020



309 Pond Street
Montgomery, Texas 77356
936-597-8013 phone
936-597-7544 fax
www.livingsaviortexas.org

December 20, 2020

City of Montgomery Planning and Zoning Board
101 Old Plantersville Rd.
Montgomery, TX 77316

Letter of Intent: Playground at Living Savior Lutheran Church

To Whom It May Concern:

Living Savior Lutheran Church at 309 Pond St. is wanting to place a 21'x 28' playground just west of our Family Life Building and just south of our new garage. The structure is 12.5' tall and made from wood with a blue and tan vinyl protection. It will include a tan 40' x 33' vinyl boarder as well as a 3" depth of rubberized brown mulch. We will also be putting a 3' black 9 gauge 54' x 54' chain link fence around the entire area with two 4' gates, one on the north and south side of the play area.

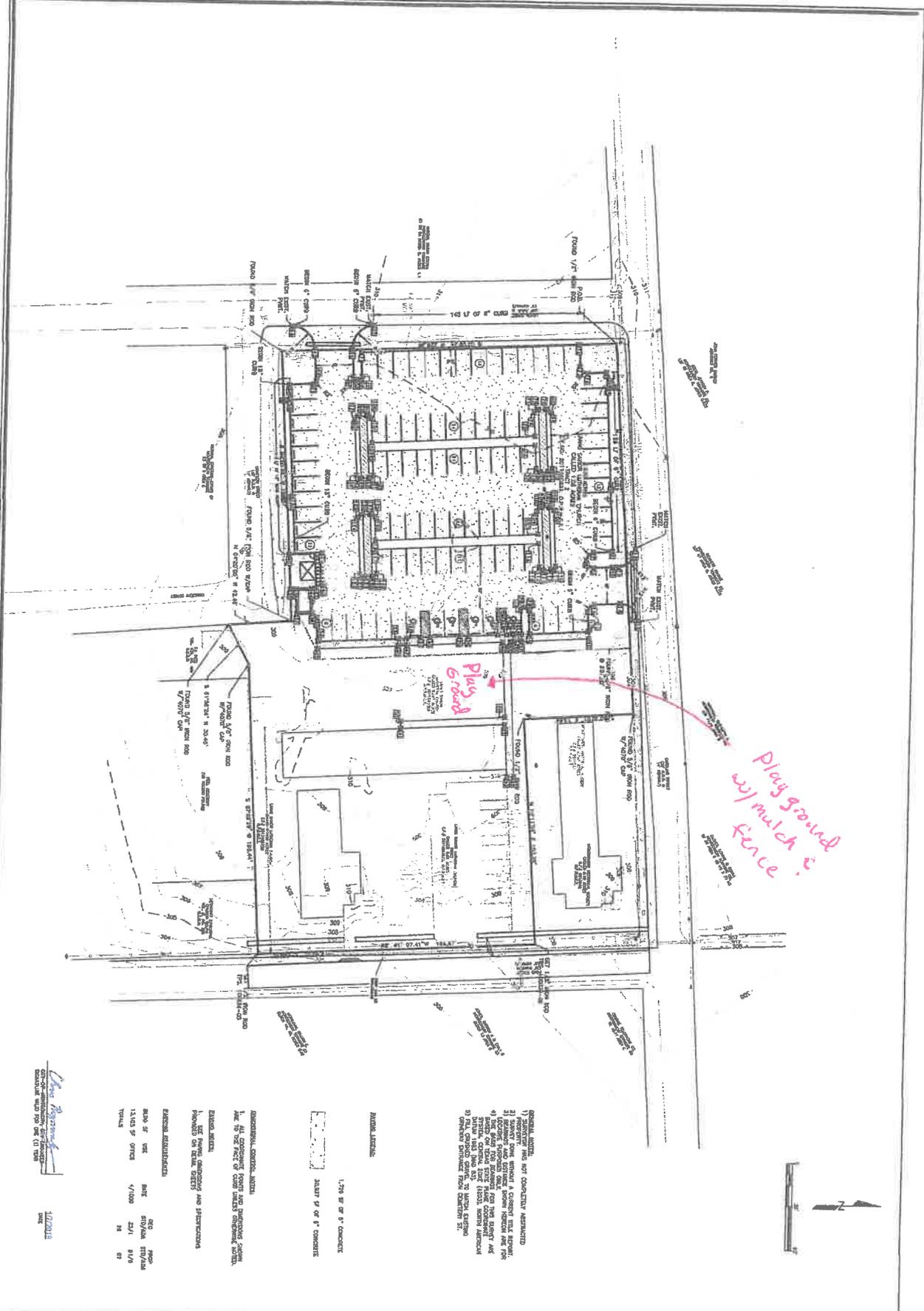
Including in this letter is a plot of our property with the location of the playground as well as a picture of what the playground looks like.

If you have any questions about this project you can contact me at 409-781-5059 or Cheryl Bailes at 936-597-8013.

Sincerely,

A handwritten signature in black ink that reads "Peter Hames".

Peter Hames
Long Range Planning Committee Chairman
Living Savior Lutheran Church
Montgomery, TX



- GENERAL NOTES:**
- 1) SUBMITTER SHALL NOT COMPLETELY ASSUMED
 - 2) SUBMITTER SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL UTILITIES AND STRUCTURES BEFORE CONSTRUCTION.
 - 3) SUBMITTER SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL UTILITIES AND STRUCTURES BEFORE CONSTRUCTION.
 - 4) THE OWNER SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL UTILITIES AND STRUCTURES BEFORE CONSTRUCTION.
 - 5) THE OWNER SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL UTILITIES AND STRUCTURES BEFORE CONSTRUCTION.

ADDITIONAL CONTROL NOTES:

ALL CONCRETE SHALL BE 4000 PSI AND FINISHED TO A FINISH TO THE FACT OF CURB UNDER ORDINARY WEAR.

EXISTING UTILITIES:

ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.

FINISH MATERIALS:

1.75" OR 2" OF CONCRETE

3/4" OF 4" OF CONCRETE

John R. [Signature]
 CIVIL ENGINEER
 LICENSE NO. 100,000 (1) 1000

1/20/2018
 DWG

	<h2 style="margin: 0;">LIVING SAVIOR LUTHERAN CHURCH</h2> <h3 style="margin: 0;">DIMENSIONAL CONTROL & PAVING PLAN</h3>	<p>SQUARED ENGINEERING 1100 [Address] HOUSTON, TX 77002 281.441.1111 www.squaredengineering.com</p>	<p>STUART HERRMANN 1000 [Address] HOUSTON, TX 77002 281.441.1111 www.stuartherrmann.com</p>
<p>DATE: 12/17/2018</p> <p>PROJECT: LIVING SAVIOR LUTHERAN CHURCH</p> <p>CLIENT: LIVING SAVIOR LUTHERAN CHURCH</p> <p>SCALE: AS SHOWN</p> <p>05</p>			



Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: January 5, 2021	Budgeted Amount: N/A
Prepared By: Dave McCorquodale	Exhibits: Sign Ordinance with summary

Subject

Consideration and possible action regarding temporary banners and signs in the Historic Preservation District.

Description

At the December 1st meeting, the Commission received a brief overview of the sign ordinance and recommendations for more engagement with downtown businesses to be made by City staff. This month, we will tighten the focus of the discussion and develop a prioritized list of properties to contact regarding existing unauthorized signs in the downtown area.

Additionally, staff would like get input from P&Z on broader recommendations for the sign ordinance that would improve the effectiveness of the ordinance. Staff will combine this input with a review by the city attorney to recommend a final list of changes to City Council.

Recommendation

Discuss and provide direction to staff as you see fit.

Approved By

Asst. City Administrator	Dave McCorquodale <i>DM</i>	Date: 12/30/2020
City Administrator	Richard Tramm <i>RT</i>	Date: 12/30/2020

Historic District Temporary Banners







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

	LAND USE		
		NON-RESIDENTIAL	
REQUIREMENTS	RESIDENTIAL, MULTI-FAMILY	Frontage Not 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	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

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: January 5, 2021	Budgeted Amount: N/A
Prepared By: Dave McCorquodale	Exhibits: Downtown Images

Subject

Consideration and possible action regarding visual enhancements in the Historic Downtown District.

Description

As part of an effort to improve the visual quality of the downtown, staff has discussed ways to incentivize individual businesses to address minor site enhancements on their property. The idea is that many small efforts will add up to a noticeable difference in the visual quality of downtown.

Staff would like to have a general discussion with P&Z and get input on potential ways to achieve this while ensuring the City supports the small businesses in downtown.

Recommendation

Discuss the item and provide feedback to staff as you see fit.

Approved By

Asst. City Administrator	Dave McCorquodale <i>DM</i>	Date: 12/30/2020
City Administrator	Richard Tramm <i>RT</i>	Date: 12/30/2020

Community Building



Old Montgomery Steakhouse



The Cozy Grape



Knight's Inspection Services



Burger Fresh



Wings Over Montgomery



Southern Roots Salon



Pecan Hill Florist

