

**CITY OF FREEPORT
PLANNING COMMISSION
Tuesday, July 28, 2009, 6:00 p.m.
Freeport Police Department, Municipal Court Room
430 North Brazosport Boulevard
Freeport, Texas**

AGENDA

*Diane Williams, Chairperson
Alfonzo Martinez
Joyce Adkins*

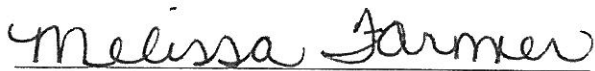
*Eric Hayes
Roberto Caceres
Rueben Cuellar*

NOTICE is hereby given that the Planning Commission of the City of Freeport, Texas will meet in a regularly scheduled meeting on **Tuesday, July 28, 2009 at 6:00 P.M.** at the Freeport Police Department Municipal Courtroom, 430 North Brazosport Boulevard, Freeport, Texas to discuss the following:

1. Open Meeting.
2. Invocation.
3. Approval of minutes for June 23, 2009.
4. Discuss/consider request by Ms. Rosa Mendoza to have 4-Way Stop sign placed at the corner of Varner and North Ave S and; to have the speed limit lowered to less than 30 mph.
5. Discuss/consider whether or not Chapters 118 and 119 of the Code of Ordinances, regulating buses and taxicabs, respectively, should be amended to exclude vehicles operated by churches and other charitable organizations; and, if so, how should these amendments be worded.
6. Discuss/consider recommendation to City Council concerning the application and, if necessary, amendment of Section 155.023 Supplementary District Regulations and Exceptions, Section I (10 Paving) of the Code of Ordinances.
7. Discuss/consider existing truck ordinances and routes.
 - a. Identify possible changes, if any.
 - b. Examine truck route signage and update.
8. Adjourn.

NOTE: ITEMS NOT NECESSARILY DISCUSSED IN THE ORDER THEY APPEAR ON THE AGENDA. THE PLANNING COMMISSION, AT ITS DISCRETION, MAY TAKE ACTION ON ANY OR ALL OF THE ITEMS LISTED.

I, Melissa Farmer, Building/Permit Department Secretary, City of Freeport, Texas, hereby certify that this Agenda was posted on the official bulletin board/glass door of City Hall facing the rear parking lot of the building with 24-hour access at 200 West 2nd Street, Freeport, Texas on or before Friday, July 24, 2009 at 5:00 P.M.



Melissa Farmer
Melissa Farmer
Building/Permit Department
City of Freeport

STATE OF TEXAS)(
COUNTY OF BRAZORIA)(
CITY OF FREEPORT)(

BE IT REMEMBERED that the Planning and Traffic Commission of the City of Freeport, Texas met in a regular meeting on **Tuesday, June 23, 2009 at 6:00 P.M.** at the Police Department Conference Room, 430 North Brazosport Boulevard, Freeport, Texas to discuss the following:

Planning Commission:

*Diane Williams, Chairperson
Eric Hayes
Roberto Caceres
Reuben Cuellar
Alonzo Martinez
Joyce Adkins*

Staff: *Kofa Olayiwola
Melissa Farmer
Nat Hickey
Pat Taylor
Mayor Larry McDonald
Ron Wise*

Visitors: Richard Rangel
 Bobby Fuller
 Donald Hintze
 Tina Robinson
 Chris Moore

Open Meeting.

Ms. Diane Williams called meeting to order at 6:14 P.M.

Invocation.

Mr. Pat Taylor opened the meeting with prayer.

Approval of Minutes.

Mr. Eric Hayes moved to accept the minutes for May 26, 2009, seconded by Mr. Reuben Cuellar, unanimous vote for approval.

Discuss/consider whether or not Chapters 118 and 119 of the Code of Ordinances, regulating buses and taxicabs, respectively, should be amended to exclude vehicles operated by churches and other charitable organizations; and, if so, how should these amendments be worded.

The Planning Commission discussed Chapters 118 and 119 of the Code of Ordinances.

Ms. Joyce Adkins made a motion to have Mr. Wallace Shaw draw up a paragraph allowing buses that are operated by non-profit and/or tax exempt status as established by the Internal Revenue Service by the United States Government be exempt and; that the definition of taxicab be added to Section 119.00 of the Code of Ordinances book, seconded by Mr. Alonzo Martinez. By a vote of 5 to 1, with Mr. Eric Hayes voting against, the motion passed.

Discuss/consider whether or not Mr. Eric Hayes should be allowed to erect a 14' x 24' LED sign at the entrance of his property located on the East side of Brazosport Boulevard (State Highway 288), being Lots Ninety-Two (92) and Ninety-Three (93), BCIC Division 14, A, Calvit League, Abstract Forty-Nine (49) and J. F. Fields Survey, Abstract Sixty-Two (62).

The Planning Commission discussed the request made by Mr. Eric Hayes to be allowed to erect a 14' x 24' LED sign at the entrance of his property.

Mr. Alonzo Martinez made a motion to deny Mr. Eric Hayes' request, seconded by Mr. Rueben Cuellar, unanimous vote for approval.

Adjourn.

Mr. Alonzo Martinez made a motion to adjourn, seconded by Mrs. Joyce Adkins, unanimous vote for approval. Meeting was adjourned at 7:17 P.M.

These minutes read and approved this _____ day of _____, 2009.

Diane Williams, Chairperson

**CITY OF FREEPORT, TEXAS
REQUEST TO BE PLACED ON A
PLANNING COMMISSION AGENDA**

THE PLANNING COMMISSION MEETS ON THE FOURTH TUESDAY OF EACH MONTH AT 6:00 P.M. IN THE POLICE DEPARTMENT MUNICIPAL COURTROOM, 430 NORTH BRAZOSPORT BLVD. IN ORDER FOR THE COMMISSION TO ACT UPON ANY ITEM, THE ITEM MUST FIRST BE PLACED ON AN OPEN MEETING AGENDA, WHICH MUST BE POSTED CONTINUOUSLY FOR 72-HOURS BEFORE THE MEETING COMMENCES. THE CURRENT ADMINISTRATIVE POLICY IS TO HAVE AGENDA ITEMS IN HAND BY A LEAST SEVEN (7) BUSINESS DAYS PRECEDING THE SCHEDULED MEETING; THIS IS TO ENSURE THAT THE STAFF HAS SUFFICIENT TIME TO RESEARCH MATERIAL RELATING TO THE ITEMS. IN MANY INSTANCES, THE REQUEST(S) CAN BE RESOLVED AT THE STAFF LEVEL WITHOUT THE NEED FOR ANY PLANNING COMMISSION ACTION. ALL REQUESTS WILL FIRST BE DIRECTED TO THE BUILDING DEPARTMENT FOR REVIEW. YOU MAY BE REQUESTED TO MEET WITH THE BUILDING OFFICIAL IN AN EFFORT TO SATISFY YOUR REQUEST. EACH SPEAKER WILL BE GIVEN A CHANCE TO PRESENT HIS OR HER SUBJECT MATTER TO THE PLANNING COMMISSION. **(ALL PLATS MUST BE FILED WITH THE CITY PROPERTY MANAGER AT LEAST 14 DAYS PRIOR TO THE MATTER AT WHICH FORMAL APPLICATION FOR THE PLAT APPROVAL IS MADE TO THE PLANNING COMMISSION.)**

PLEASE PRINT THE FOLLOWIN INFORMATION:

NAME OF PRESENTER/SPEAKER: Rosa Mendoza

ORGANIZATION (IF ANY): _____

STREET/MAILING ADDRESS: 1704 N. Ave S

CITY, STATE, ZIP CODE: Freeport, Tx

PHONE NUMBER WHERE YOU CAN BE REACHED DURING REGULAR BUSINESS HOURS:
979. 997. 2646

SUBJECT MATTER OF PRESENTATION (INCLUDING A DESCRIPTION OF COMMISSION ACTION TO BE TAKEN, IF ANY:

Requesting a 4 way Stop Sign @ @ corner of Varner and North Ave S.

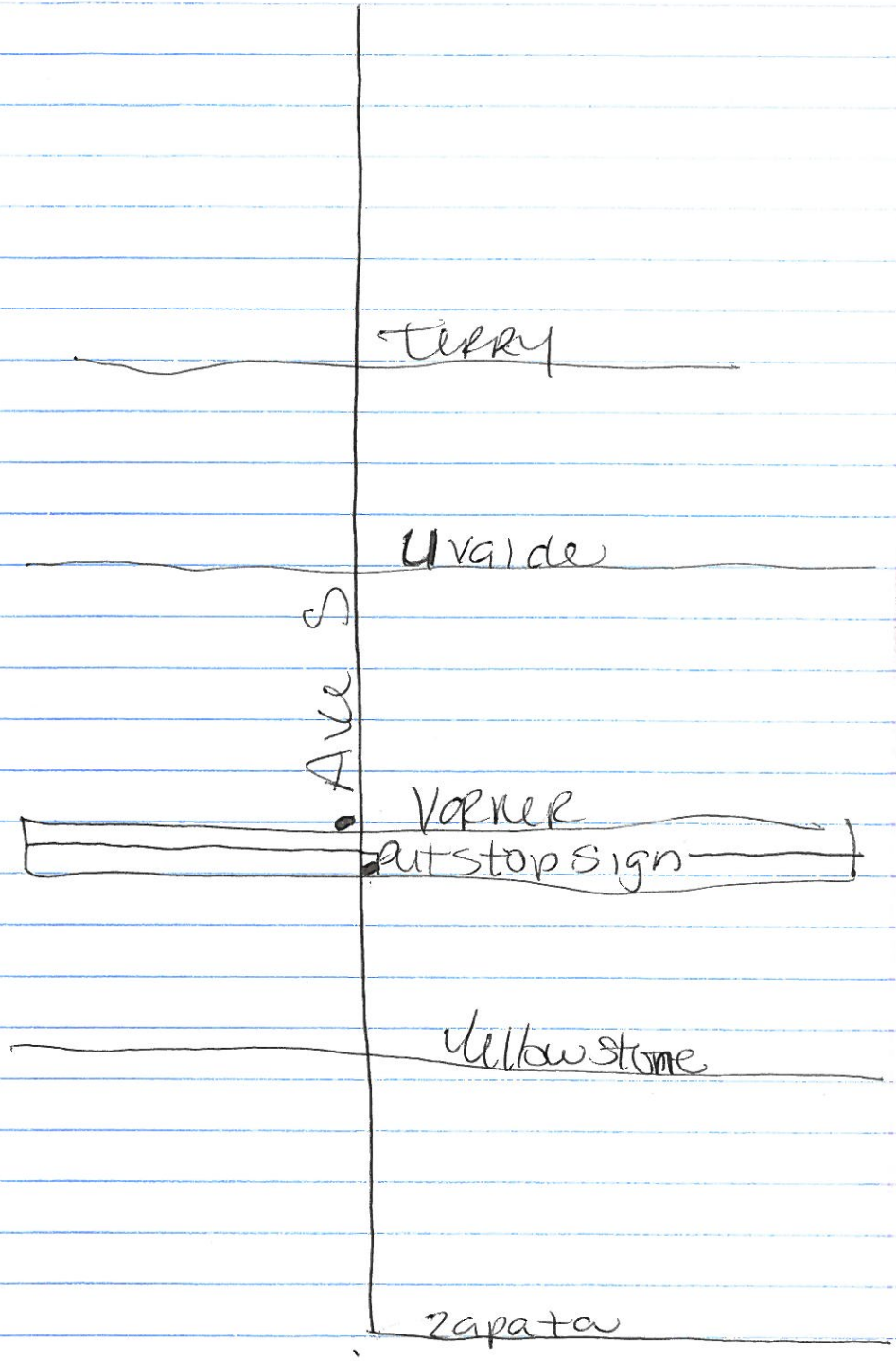
Requesting to lower Speed limit than 30 MPH.

Rosa Mendoza
SIGNATURE

7-13-09
DATE

"ALL REQUESTS MUST BE APPROVED BY THE BUILDING OFFICIAL BEFORE BEING PLACED ON A MEETING AGENDA."

1704 n Ave S Rosa Mendez



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; AMENDING SECTION 118.011 OF THE CODE OF ORDINANCES OF SAID CITY TO ADD A DEFINITION OF "BUS"; AMENDING SECTION 118.021 OF SAID CODE OF ORDINANCES TO PROVIDE AN EXEMPTION FOR BUSES OPERATED BY CERTAIN NON-PROFIT ORGANIZATIONS; ADDING SECTION 119.00 TO CHAPTER 119 OF SAID CODE OF ORDINANCES TO PROVIDE A DEFINITION OF "TAXICAB"; AMENDING SECTION 119.01 OF SAID CODE OF ORDINANCES TO PROVIDE AN EXEMPTION FOR TAXICABS OPERATED BY CERTAIN NON-PROFIT ORGANIZATIONS; PROVIDING THAT ANY PERSON VIOLATING SAID CODE, AS AMENDED BY THIS ORDINANCE, SHALL BE GUILTY OF A MISDEMEANOR AND ASSESSED A FINE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 10.99 OF SAID CODE OF ORDINANCES; PROVIDING THAT EACH DAY ANY SUCH VIOLATION CONTINUES AND EACH PART OF ANY DAY ANY SUCH VIOLATION OCCURS SHALL CONSTITUTE A SEPARATE OFFENSE; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

WHEREAS, the City of Freeport, Texas, ("the City") is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, Sections 54.001 and 54.004 of the Local Government Code, Chapter 542 of the Transportation Code, and Sections 2.01, 2.02 and Items (k), (p) and (u) of Section 3.07 of the Home Rule Charter of the City authorize the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the City Council of the City has determined and do here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of said City and persons riding on buses or in taxicabs therein.

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

First, Chapter 118 of the Code of Ordinances of the City is hereby amended to add thereto
Section 118.011 to read as follows:

"SECTION 118.011 DEFINITIONS

As used in this chapter, the terms "bus" or "passenger bus" means
a motor vehicle designed to transport more than ten (10) passengers,
including the driver, when used for compensation."

Second, Chapter 118 of the Code of Ordinances of the City is hereby amended to add
thereto Section 118.021 to read as follows:

"SECTION 118.021 APPLICATION OF PROVISIONS

The provisions of this chapter shall not apply to (a) motor
vehicles operating under permits issued by the State Railroad
Commission, or to the drivers of such vehicles, coming into or passing
through the city for the purpose of load or unloading passengers or
(b) to busses operated by a non-profit organization which has been
granted a tax exempt status by the Internal Revenue Service of the
U.S. Government [and has a local chapter or unit operating within the
corporate limits of the city]."

Third, Chapter 119 of the Code of Ordinances of the City is hereby amended to add thereto Section 119.00 to read as follows:

"SECTION 119.00 DEFINITIONS

As used here, the term "taxicab" means a motor vehicle designed to transport less than ten (10) passengers, including the driver, when used for compensation."

Fourth, Section 119.01 of the Code of Ordinances of the City is hereby amended to read as follows:

"SECTION 119.01 APPLICATION OF PROVISIONS

The provisions of this chapter shall not apply to (a) motor vehicles operating under permits issued by the State Railroad Commission, or to the drivers of such buses, coming into or passing through the city for the purpose of load or unloading passengers or (b) to motor vehicles operate by a non-profit organization which has been granted a tax exempt status by the Internal Revenue Service of the U.S. Government {and has a local chapter or unit operating within the corporate limits of the city}."

Fifth, any person violating the Code of Ordinances of the City of Freeport, Texas, as amended by this ordinance, shall be guilty of a misdemeanor and upon conviction therefor assessed a fine as prescribed in Section 10.99 of said Code; and each day such violation continues and each part of any day any such violation occurs shall constitute a separate offense.

Sixth, nothing contained in this ordinance shall cause any rights heretofore vested to be altered, affected or impaired in any way and all such rights may be hereafter enforced as if this ordinance had not been adopted.

Seventh, this ordinance is cumulative of and in addition to all other ordinances of the City on the same subject and all such ordinances are hereby expressly saved from repeal. Provided however, where this ordinance and another ordinance conflict or overlap, whichever imposes the more stringent regulations or penalties, as the case may be, shall prevail.

Eighth, no offense committed and no fine, forfeiture or penalty incurred prior to the effective date of this ordinance is to be affected by the adoption of this ordinance but the punishment for any offense committed and the recovery of any fines or forfeitures incurred prior to such date shall take place as if this ordinance had not been adopted.

Ninth, in the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

Tenth, this ordinance shall take effect and be in force from and after the descriptive caption of this ordinance has been published twice in the Brazosport Facts, the official newspaper of the City.

READ, PASSED AND ADOPTED this _____ day of _____, 2009.

Larry McDonald, Sr., Mayor,
City of Freeport, Texas

ATTEST:

**Delia Munoz, City Secretary,
City of Freeport, Texas**

APPROVED AS TO FORM ONLY:

**Wallace Shaw, City Attorney,
City of Freeport, Texas**

C:\Freeport.Ord\Bus&Taxi Ord-Amn

Section	District	
155.039	W-1 District	Waterfront - Resort
155.040	W-1R District	Waterfront - Single Family Residential
155.041	W-2 District	Waterfront - Light
155.042	W-3 District	Waterfront - Heavy
155.043	M-1 District	Light Manufacturing
155.044	M-2 District	Heavy Manufacturing
155.045	PUD District	Planned Unit Development District
155.046	Historic District	Historic Landmark District

(Ord. 1100 § 7, passed 4-3-64; Am. Ord. 1100-CC, passed 10-16-78; Am. Ord. 1100-ZZ, passed 7-20-81; Am. Ord. 1100-HHH, passed 10-11-82; Am. Ord. 1100-LLL, passed 3-21-83; Am. Ord. 1100-MMM, passed 3-21-83; Am. Ord. 1100-OOO, passed 6-13-83; Am. Ord. 1100-91-2, passed 4-1-91; Am. Ord. 1100-92-1, passed 6-4-92; Am. Ord. 1100 94-1, passed 4-4-93; Am. Ord. 1845, passed 11-16-98; Am. Ord. 2006-2145, passed 11-20-06)

§ 155.023 SUPPLEMENTARY DISTRICT REGULATIONS AND EXCEPTIONS.

(A) Accessory buildings and wings.

(1) Accessory buildings detached from or attached to the main building by an enclosed or unenclosed structure may be permitted within the allowable building area of any lot defined by the required front, side and rear building lines.

(2) No accessory building shall be permitted in the required front yard or in the required side yard.

(3) Where the accessory building or wing is adjacent to a side street, the minimum side yard setback from said street shall be 10 feet.

(4) *Attached to main building.* Accessory buildings, portions thereof or wings attached to the main building may not extend into the required rear yard. Said attached structure shall have a rear setback of not less than 5 feet and a side setback equal to the required minimum side setback of the main building.

(5) Detached from main building. Accessory buildings or portions thereof detached from the main building may be permitted provided:

(a) That they are detached from the main building or structure and separated therefrom by a distance of not less than 10 feet; and

(b) Said accessory buildings have a rear and side yard setback of not less than 5 feet.

(B) Servants quarters. Only one single-family dwelling shall be constructed on each lot within the Residential Districts. Bona fide servants quarters, however, may be provided in an accessory building at the rear of the property in accordance with the requirements set forth for accessory buildings.

(C) C-1A Business Area. The C-1A Business area is designated on the official zoning map filed with the ordinance by a heavy solid black line.

(D) Distance between buildings on same lot.

(1) Outer courts and open spaces between

walls of residential buildings. Where any wall or portion thereof of a residential building is parallel or within 30 degrees of another wall or portion thereof of the same building or of another residential building on the same lot, the distance between the two walls shall be not less than one-fourth of the length of the shorter wall. The distance between walls of buildings shall not be less than 8 feet and need not exceed 30 feet

(2) *Distance between walls of buildings.* The shortest horizontal distance measured between the vertical walls of a building or buildings perpendicular to an axis, all points along which are midway between said walls.

(E) *C-1A Business Area parking exception.* Off-street parking shall not be required for buildings and structures erected or altered within the C-1A Business Area as defined in division (C) above.

(F) *Special building setback.*

(1) Where a building line has been established by special ordinance and such line requires a greater setback than is prescribed by this chapter in the district in which the building line is located, no building shall be erected closer to the street than the line so established.

(2) *Exception to setback requirement (C-1 District).* The setback required in the C-1 (Retail Business District) shall not apply to the blocks abutting Brazosport Boulevard (State Highway 288) from its intersection with the North line of the Old Brazos River to its intersection with the most Northerly city limit line. Each building hereafter constructed upon such abutting property shall conform to the setback line established by existing buildings.

(G) *Side setback adjacent to street.* In all cases where the side yard is adjacent to a side street, the side yard shall not be less than 10 feet.

(H) *Minimum street frontage required for residential use.* Except as permitted in this chapter, no lot shall contain any building used in whole or in part for residential purposes unless such lot abuts for at least 30 feet on a street or officially approved place

which means of access shall have a minimum right-of-way width of 35 feet.

(I) *Parking and off-street loading areas.*

(1) Off-street parking shall be required at the time any building or structure is erected or is enlarged or increased in capacity in accordance with the parking ratio requirements of this chapter.

(2) Each off-street parking space shall be a rectangle 9 feet by 20 feet exclusive of access drives or aisles and shall be located completely on private property. Adequate ingress and egress to all parking spaces shall be provided.

(3) *Off-street loading spaces required.* In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of 3,000 square feet or more, which is to be occupied by any use requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space plus one additional loading space for each 3,000 square feet or major fraction thereof of gross floor area so used in excess of 3,000 square feet.

(4) Each loading space shall be no less than 10 feet in width, 25 feet in length and 14 feet in height. Such space may occupy all or part of any required yard or court space.

(5) In applying the off-street parking requirements, the floor area shall be the sum of the several floors of all enclosed buildings and structures on the lot measured from the center line of exterior walls. The floor area shall not include cellars and open and unenclosed balconies, terraces, porches, stairs and parking structures.

(6) Where open land is used for sales, manufacturing, storage or other operations in a manner similar to indoor operations, such open land shall be added to the floor area in determining the number of parking spaces required.

(7) Any lighting used to illuminate any off-street parking area shall be so arranged as to direct the light away from the adjoining premises of any Residential Districts.

(8) Parking ratio abbreviations in the permitted use, temporary use and specific use schedules refer to the off-street parking requirements

applicable to the corresponding uses. Interpretation of off-street parking requirements is as follows:

Parking Ratio	Interpretation of Off-Street Parking Requirements
none	Off-street parking not required
1/100	1 space for each 100 square feet of gross floor space
1/unit	1 space for each dwelling unit
1/guest room	1 space for each guest room
1/3 seats	1 space for each three seats within the largest auditorium (20 inches shall equal 1 seat of benches as provided)
1/3 beds	1 space for each 3 beds
1/1.5 emp	1 space for 1.5 employees
5/alley	5 spaces for each bowling lane
10/wash lane	10 spaces for each washing lane

(9) *Townhouses.* 2.5 off-street parking spaces for each townhouse

(10) *Paving.* Any off-street vehicular parking area, service drive or driveway shall be surfaced with a concrete, asphalt or asphaltic concrete pavement or with a pavement of gravel, cinder, shell, limestone or other similar loose material. All such surfaces shall be constructed so that drainage will not be impaired.

(J) *Projections into required yards.* Open and unenclosed building projections such as outside stairways and fire escapes, balconies, terraces or porches, awnings, eave and roof extensions, and ornamental features may project into the required yards for a distance not to exceed 4 feet. In no case shall such projections be located closer than 3 feet from any lot line.

(K) *Site plan.*

(1) A site plan is a plan of development drawn to scale indicating:

(a) The location and arrangement of buildings on subject property;

(b) Building setbacks or yards;

(c) Landscaping and/or walls and fences for screening purposes; and

(d) Off-street parking and loading areas and design of ingress and egress to and from abutting streets.

(2) Where a site plan is required, a Certificate of Occupancy and Compliance shall not be issued until a site plan of development has been approved by the Building Official.

(3) For any specific use permit application or whenever two or more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings will not face upon a street or officially approved place, a site plan shall be submitted to and reviewed by the City Planning Commission prior to being approved by the Building Official for the purpose of issuing a Certificate of Occupancy and Compliance.