

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: July 9, 2013		DATE SUBMITTED: May 23, 2013	
DEPARTMENT OF ORIGIN: Strategic Projects		SUBMITTED BY: Lindsey Guindi	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1ST READING	<input checked="" type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Consideration of an ordinance to amend Chapter 106 of the Bryan Code of Ordinances, Streets, Sidewalks and Other Public Places, by adding a definition for “subdivision directional signs” and adding provisions for the placement of subdivision directional signs in the public right-of-way of planned development type subdivisions.			
SUMMARY STATEMENT: Staff has recently been approached about adding directional signs within an existing subdivision to aid the public in finding amenities within the subdivision. Currently, the Bryan Code of Ordinances does not have any provisions for subdivision wayfinding signs, other than those directional or wayfinding signs placed by a government entity to guide the public to major civic, cultural, visitor, and recreational destinations.			
Subdivision directional signs are a systematic network of directional guide signs installed and maintained by a special use license holder to guide the public to finding amenities within the subdivision. Subdivision directional signs are not intended to display a commercial message.			
STAFF ANALYSIS AND RECOMMENDATION: Staff has determined that there may be a need, depending on the individual circumstances and needs of a subdivision, to allow for wayfinding signs within the public right-of-way. Subdivision directional signs will be most beneficial in areas, such as Traditions that have one or more amenities that may attract the general public. Staff is proposing specific guidelines for these types of signs and would require a Special Use License for these signs. This process would ensure that maintenance and insurance would be required by the individual erecting the signs. Staff recommends adding provisions to the code to regulate subdivision directional signs and allow them in the right-of-way when appropriately placed and approved.			
OPTIONS (In Suggested Order of Staff Preference):			
1. approve the proposed ordinance text amendment;			
2. approve the proposed ordinance text amendment with modifications, which may require consideration at a future City Council meeting; or			
3. reject the proposed text amendment.			
ATTACHMENTS: Draft Ordinance.			
FUNDING SOURCE: Not applicable.			
APPROVALS: Joey Dunn, 5-29-13; Hugh R. Walker, 05/29/2013			
APPROVED FOR SUBMITTAL: CITY MANAGER			
APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis Hampton, 7/2/13			

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 106, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, OF THE CITY OF BRYAN CODE OF ORDINANCES, DEFINING “SUBDIVISION DEVELOPMENT WAYFINDING SIGNS”; ADDING PROVISIONS FOR PLACEMENT OF SUBDIVISION DEVELOPMENT WAYFINDING SIGNS IN THE PUBLIC RIGHT-OF-WAY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THIS ORDINANCE WAS PASSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan has adopted Chapter 106, Street, Sidewalks and Other Public Places, which describes the rights and restrictions pertaining to the use of public right-of-way; and

WHEREAS, the City Council finds that off-site directional signs placed in the public rights-of-way along arterial and major collector roadways within a planned development type residential subdivision and used to guide the public to amenities and or facilities located within the subdivision, should be permitted in the rights-of-ways by special use license, provided that these signs comply with Section 106-165;

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

1.

That the City Council finds and determines the foregoing recitals to be true and correct and hereby makes them part of this ordinance.

2.

That Chapter 106, Streets, Sidewalks and Other Public Places, of the Bryan Code of Ordinances is hereby amended by adding the definition of Subdivision Development Wayfinding Signs to Section 106-161 (Definitions), as follows:

Subdivision Development Wayfinding Signs shall mean off-site directional signs placed in the public rights-of- way along arterial and major collector roadways within a planned development type residential subdivision and used to guide the public to amenities and or facilities located within the subdivision, and which signs are installed and maintained by the developer and/or Home Owners Association and which require a special use license.

3.

That Chapter 106, Streets, Sidewalks and Other Public Places, of the Bryan Code of Ordinances is hereby amended by adding a new subsection Section 106-164(b)(7) to read as follows:

(a) Purpose. The purpose of this section in regulating signs is to preserve and protect the public health, welfare and safety. It is intended to facilitate movement and ensure safety in public areas and on public rights-of-way. It is also intended to enhance the physical appearance of the city, make the city a more enjoyable and pleasing community, and to create a more attractive economic and business climate.

(b) Findings. Therefore, the City Council finds that it is in the public interest to enact restrictions on the placement or display of signs in the public right-of-way and on public property. Notwithstanding the above, in enacting the ordinance codified in this chapter the City finds that it has a compelling and substantial interest in permitting certain signs in the public right-of-way, as follows:

(1) The City Council finds that safety, traffic, or other public information signals, signs, banners or notices erected or maintained by a public officer or employee in the performance of a public duty, are necessary in order to ensure the safety of the public, to inform the public about the location of public buildings, parks, schools, streets and highways.

(2) The City finds that temporary emergency or safety pedestrian and vehicular warning signs are necessary to protect the public from temporary and unanticipated dangers and public emergencies.

(3) The City Council finds the City's downtown zoning districts unique in that the buildings' faces are constructed on the property line immediately adjacent to the public right-of-way and nonprojecting wall signs are not readily visible to the pedestrian traffic. The city council finds that projecting signs would (i) contribute to the revitalization of the downtown by promoting pedestrian oriented businesses; (ii) provide information to pedestrians in the downtown, and (iii) permit businesses in the downtown zoning districts to orient signs visible to passersby in a manner similar to businesses in other commercial districts where buildings are not constructed on the property line.

(4) The City Council finds that temporary signs in the public right-of-way are necessary and desirable for street closing events, and should be permitted in the public rights-of-way as part of the street closing event permit at the location of the permitted event for the duration of the permit.

(5) The City finds that in order to promote freedom of expression, handheld signs, as defined in this chapter, should be permitted in the unimproved portions of the right-of-way and on sidewalks by persons lawfully present.

(6) The City finds that in order to promote the use of its public buildings and other publicly owned facilities, that lessees and licensed users of such public property be allowed to erect temporary signs, provided that those signs:

- a. Comply with all other requirements of chapter 98, applicable to the same type of sign located in the same zoning district;
- b. Do not deface, damage or destroy public property; and
- c. Are maintained only during the duration of the license or lease.

(7) The City Council finds a need in some planned residential subdivision developments, for wayfinding signs to provide direction to the subdivision development's amenities and facilities, utilized by the public, and finds such signs may aid traffic safety and should be allowed in the public rights-of-ways by special use license to be renewed annually, provided that these signs comply with Section 106-165.

That Chapter 106, Streets, Sidewalks and Other Public Places, of the Bryan Code of Ordinances is hereby amended by adding a new subsection Section 106-165(b)(6) to read as follows:

(a) No sign may be placed, posted, attached, painted, marked, or written on or otherwise affixed, installed or displayed on public property or in the public rights-of-way, except as authorized in subsections (b), (c), and (d) of this section.

(b) With the exception of state maintained highways, it shall be unlawful to place a sign in the public right-of-way, except as authorized herein. The following signs may be placed in the public rights-of-way:

(1) Government signs;

(2) Temporary emergency or safety pedestrian and vehicular warning signs;

(3) One flag attached to a single freestanding pole, may be placed in the unimproved portion of the public right-of-way for every ten linear feet of frontage, if placed by the owner of the property abutting the public right-of-way or with the consent of said owner;

(4) Temporary signs permitted as part of a street closing event at the location of the permitted event for the duration of the permit, if all applicable liability insurance requirements set forth in section 15-191 of the Bryan City Code are satisfied; and the signs do not interfere with, or pose a danger to, vehicular or pedestrian traffic; do not threaten, damage or deface private property; and are not affixed to any tree, utility pole or public structure.

(5) Projecting signs, as defined in this article, shall be allowed within the DT-N Downtown North, DT-S, Downtown South, and DT-C, Downtown Civic Zoning Districts and in all other zoning districts where attached to a legally nonconforming building, lawfully constructed on the property line immediately adjacent to the public right-of-way, and provided the projecting sign satisfies all of the requirements of section 62-251. Projecting signs within a Texas Department of Transportation (TxDOT) right-of-way must also obtain permission from that authority.

(6) *Subdivision Development Wayfinding signs, as defined in this article, shall be allowed, provided the signs:*

a. Are separately mounted beyond the clear zone and do not interfere with, obstruct, or divert roadway user's attention from official traffic control devices.

b. Are installed on a standard, breakaway sign support or an alternate support approved by the city.

c. Are installed at the appropriate height, offset from travel lane, and spacing from official traffic control devices in accordance with the most current version of the Texas MUTCD.

d. Are highly visible by day and night with adequately-sized letters or symbols.

e. Are limited to three destinations per sign, shall not contain commercial advertising, and arrow location and priority should follow that shown in the most current version of the Texas MUTCD.

f. Receive a Special Use License that satisfies all requirements of Section 62-251, which license shall be renewed annually. The exact location, color and design

will be approved by the Director of Traffic and Transportation during the Special Use License process.

(c) No sign may be placed in the public right-of-way of a state maintained highway unless authorized by the state.

(d) The following signs are allowed on public property:

(1) Government signs;

(2) Lessees or licensed user of public owned building and property leased or licensed from the city for business purposes shall be allowed to erect temporary signs in compliance with all other provisions of this Code, provided that those signs do not deface, damage or destroy such public property, and are maintained only during the duration of the license or lease.

(e) Nothing in this chapter shall prohibit the display of handheld signs, as that term is defined in this chapter, when carried by persons lawfully present on the unimproved portions of the public rights-of-way, public property, and on sidewalks.

5.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

6.

That the Code of the City of Bryan, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

7.

That if any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

8.

That it is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given.

9.

It is the intention of the City Council that this ordinance shall become a part of the Bryan City Code and it may be renumbered and codified therein accordingly

10.

That this ordinance shall take effect from and after its second and final reading and adoption.

PRESENTED AND GIVEN first reading the 9th day of July, 2013 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 23rd day of July, 2013 by a vote of ___ yeses and ___ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney