

ORDINANCE NO. 05-2021-425

AN ORDINANCE OF THE CITY OF CROWLEY, TEXAS AMENDING ARTICLE III, DIVISION 22 "CITY OF CROWLEY DOWNTOWN OVERLAY DISTRICT", SEC. 106-769 "DEVELOPMENT STANDARDS" AND SEC. 106-771 "DESIGN STANDARDS" OF THE ZONING ORDINANCE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Crowley, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Crowley heretofore adopted Chapter 106 of the City Code, being the Comprehensive Zoning Ordinance of the City of Crowley (the Zoning Ordinance), which regulates zoning of land as may be best suited to carry out these regulations; and

WHEREAS, the City Council of the City of Crowley deems it advisable and in the public interest to make certain amendments to the City of Crowley Downtown Overlay District regulations in Chapter 106 of the Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission of the City of Crowley, Texas held a public hearing on April 26, 2021, and the City Council of the City of Crowley, Texas, held a public hearing on May 6, 2021, with respect to the Zoning Ordinance amendments described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for amending the Zoning Ordinance.

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

SECTION 1.

That Section 106.769 "Development Standards," of the Zoning Ordinance is hereby amended as shown on Exhibit 'A', attached.

SECTION 2.

That Section 106-771 "Design Standards," of the Zoning Ordinance is hereby amended as shown on Exhibit 'B', attached.

SECTION 3.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Crowley, Texas, and the zoning ordinances as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 5.

All rights and remedies of the City of Crowley are expressly saved as to any and all violations of the provisions of any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7.

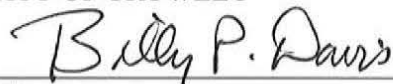
The City Secretary of the City of Crowley is hereby directed to publish in the official newspaper of the City of Crowley, the caption, penalty clause, and effective date clause of this ordinance as authorized by the City Charter and Section 52.013 of the Local Government Code.

SECTION 8.

This ordinance shall be in full force and effect from and after its passage and publication as required by law and it is so ordained.

PASSED AND APPROVED this the 6th day of May, 2021.

CITY OF CROWLEY



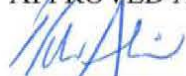
Billy P. Davis, Mayor

ATTEST:



Carol Konhauser, City Secretary

APPROVED AS TO FORM:



Rob Allibon, City Attorney

Exhibit 'A'

Sec. 106-769. - Development standards.

Site orientation and layout. The front facades of buildings in new developments shall be located close to the sidewalks to encourage pedestrian involvement and to provide an area for landscaping, benches, tables and other types of street furniture.

Overlay District	General Commercial Areas	Residential Zoned Areas
Minimum lot width	Min. 20 feet/Max. 400 feet	Min. 20 feet/Max. 400 feet
Building frontage required	Min. of 70 percent of building frontage on Main Street and FM 731 shall be built to the build-to line	Min. of 50 percent of building façade along residential streets shall be built to the build-to-line
Minimum lot depth	None	None
Minimum front yard (build-to line)	None—Set to ROW	15 feet
Minimum side yard, interior	None	5 feet for detached residential uses and none for attached residential uses
Minimum side yard, adjacent to street	None, corner lots shall have buildings built to a minimum width of 35 feet along each street frontage as measured from the minimum setback line along each street frontage.	10 feet, corner lots shall have buildings built to a minimum width of 25 feet along each street frontage as measured from the minimum setback line along each street frontage.
Minimum rear yard	None	5 feet
Buildable area	Max. 100 percent	Max. 75 percent
Maximum structure height	4 stories or 80 feet	3 stories or 65 feet
First floor height	Minimum 15 feet from finished floor to the primary ceiling, or to the bottom of the primary building structure if there is no ceiling. Auxiliary or secondary ceilings may be	Minimum 15 feet for live/work units, 10 feet for residential units

	incorporated at a lower level to accentuate a space as long as they do not exceed 25 percent of the overall area.	
	For restaurants, the kitchen may have a ceiling height of 9 feet.	
Minimum sidewalk widths	Min. 6 feet	Min. 6 feet
Minimum parkway widths	Min. 6 feet	Min. 6 feet
Street trees	Required at 50 feet on center at 3 inch caliper	Not required

EXHIBIT 'B'

Sec. 106-771. - Design standards.

(c) *Signage requirements.* All signage for new buildings, new uses, or change in use, shall comply with these requirements at the time of sign permit. Any request for a sign variance or alternative sign appropriate to the development and consistent with the architectural intent of the development must be presented to the city council for approval in accordance with the variance procedures established in the city's sign regulations (chapter 102, this Code):

(1) *Attached or building mounted signage.* Shall be limited to no more than one sign per tenant space per building facade subject to the following:

- a. Attached signage may be internally or externally illuminated.
- b. A sign permit shall be required for all signage.
- c. Each projecting sign shall be allowed so long as they do not extend more than three (3) feet from the wall surface. If projecting signs are used, a detached monument sign shall not be allowed. Vertically oriented (projection sign) signage shall not exceed four (4) feet in height and two (2) feet in width. All projecting signs shall be placed a minimum of ten (10) feet above grade.
- d. Facades located less than 75 feet from the ROW:
 - i. Each attached sign shall not exceed 36 square feet in total surface area.
 - ii. Horizontally oriented signage shall not exceed 36 inches in total height.
- e. Facades located 75 feet and over from the ROW:
 - i. The maximum area for each attached sign shall be calculated according to the following schedule: for each additional foot in distance from the right-of-way beyond 75 feet, the permitted sign surface area may increase beyond 36 square feet by a factor of 1.25 square feet, not to exceed a total surface area of 120 square feet.
 - ii. Horizontally oriented signage shall not exceed 60 inches in total height.
- f. Letters and graphics shall be allowed on awnings or canopies provided that they do not exceed nine inches in height. Total advertising area on awnings shall not exceed 20 square feet.
- g. Sign materials shall consist of wood, metal, material that resembles wood or metal, or masonry with painted, engraved, or mounted letters.
- h. Signs must be located on the facade in areas designated for this function; for example, a recessed or framed area or a parapet panel between shop-front and roofline.
- i. Color, materials, sizes, shapes, and lighting of signs must be compatible with the architecture of the building, the business it identifies and the character of the surrounding area.
- j. Sign shapes must be simple and straightforward to communicate well. Signs as symbols are permitted and encouraged because they are easily read and add to the vitality of a storefront.
- k. Wall murals shall be considered on a case-by-case basis and approved by the city council as an element of a site plan application.

(2) *Detached or ground mounted signage.*

- a. Detached signage may be internally or externally illuminated.
- b. A sign permit shall be required for all new signs or alterations to signs.
- c. Only one detached sign shall be allowed per business per public street frontage. For buildings or lots with multiple tenants or businesses, a single shared detached or ground mounted sign shall be permitted. Maximum sign area shall be the cumulative area of all sides

of the sign visible from any public roadway. Maximum height of all detached signs shall be the total height of the sign structure from the finished floor elevation in front of the sign to the top of the sign structure.

- d. Single Tenant Sites: All detached signage shall not exceed 30 square feet of sign area, and six (6) feet in height, except that a detached sign located on Crowley Road and not located within 600 feet of Main Street may be a maximum of eight (8) feet in height and 50 square feet of sign area.
- e. Multi-Tenant Sites or Buildings: Multi-tenant detached signs shall not exceed eight (8) feet in height and 50 square feet of sign area. A building or site with more than six (6) tenants may have an increase in sign height of one foot of height for each tenant in excess of six (6) tenants, up to a maximum of eight (8) feet in total sign height and 80 square feet of sign area.
- f. Post and bracket style signs using a wooden post or a painted metal pole are encouraged, but other styles that reflect the character of downtown will be considered.
- g. Sign materials shall consist of wood or metal material or material that resembles wood or metal, with painted or engraved letters or mounted letters of wood or metal.
- h. Color, materials, sizes, shapes, and lighting of signs must be compatible with the architecture of the building, the business it identifies and the character of the surrounding area.
- i. Sign shapes must be simple and straightforward to communicate well. Signs as symbols are permitted and encouraged because they are easily read and add to the vitality of a storefront.

(3) *Miscellaneous signage.*

- a. Window signs are allowed in accordance with the sign provisions in the sign regulations of this Code.
- b. Temporary banner signs are allowed in accordance with the sign provisions in the sign regulations of this Code.
- c. Portable signs such as menu boards for restaurants or to direct customers to parking areas shall be allowed, provided they are stored indoors after hours of operation.
- d. A-frame signs are permitted within nonresidential areas used to incorporate a mixed-use or lifestyle center concept. A-frame signs must be placed on a sidewalk or adjacent to a sidewalk adjacent to or fronting the primary structure. A-frame signs must provide an unobstructed pedestrian clearance of at least five feet in width. An A-frame sign shall not be placed in any manner to interfere with vehicular traffic or cause a hazard. An A-frame sign shall not be placed in any median. An A-frame sign shall not be placed within a utility or right-of-way easement, except an A-frame sign may be placed on a sidewalk subject to the pedestrian clearance requirement. The maximum area of an A-frame sign is 12 square feet. The maximum height of an A-frame sign shall be four feet. The maximum width of an A-frame sign is three feet. An A-frame sign shall not be closer than 20 feet to another A-frame sign. A maximum of one A-frame sign may be placed per business or tenant on the property where the A-frame sign is located. A-frame signs will be removed from pedestrian areas after closing hours to maintain the security of the sign.
- e. *Neon signs.* Any vacuum tube sign lit by neon gas shall comply with the following standards:
 - 1. Any letter style is permitted as long as letters are continuous. Painted out spaces between letters are not permitted.
 - 2. Neon bands may be used to frame the sign but must be contained within the allowable sign area.
 - 3. The use of one neon sign per street front to advertise the primary business is allowed.

- (4) *Non-conforming signs.* Existing businesses with signs that were legally permitted before this ordinance was adopted shall be permitted to replace non-conforming signs. However, no

increase in size (dimensions or area) or number or change in type of sign shall be permitted except to come into compliance with these regulations.